QUESTIONS STAY AFTER CEAUSESCU TRIP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DERWINSKI. Mr. Speaker, Rumania has managed to stimulate considerable attention in the Western World by its ability to conduct an independent foreign policy. The interest in Rumania was obviously further stimulated by the visit President Nixon paid to that country last year.

It is practical for us, however, to objectively study Rumanian foreign policy, specifically the actions of its Government and party leaders. Therefore, a column by the distinguished correspondent of the Copley Press, Dumitru Danielopol, in the November 10 Aurora, Ill., Beacon-News should be carefully read. Mr. Danielpol was a member of the Rumanian diplomatic corps prior to and during World War II and he is a very penetrating analyst of the Rumanian Communists and their activities.

The article follows:

QUESTIONS STAY AFTER CEAUSESCU TRIP

(By Dumitru Danielopol)

WASHINGTON.—In the aftermath of the Nicolae Ceausescu visit to the United States some nagging questions remain.

Is Rumania's Red boss the genuine article he claims to be, a Communist leader who is breaking away from the Soviet monolith?

I confess I have always doubted his "independence." Now I am more convinced than ever that he is a clever Soviet pawn put forward to fool the West and especially the United States.

Throughout his discourses at the United Nations, at the Foreign Policy Association in New York and in Washington, he consistently advocated moves that in no way help Rumania, but which could be to the advantage of the Soviet Union.

He plugged, for instance, for the disbanding of NATO, the "dismantling of military bases on the territory of other states and the withdrawal of foreign troops within their national borders."

This of course implies the withdrawal of American troops from Europe as well as Soviet troops from Czechoslovakia and East Germany. That would leave Soviet forces within a few hundred miles from West Germany and only a few yards from the Rumania border while U.S. troops would be some 6,000 miles away across an ocean.

Every country in Europe would be at the mercy of the Soviet Union. Under the Brezhnev Doctrine all of Eastern Europe would have the status of the Baltic States. Though Ceausescu denied the existence of such a doctrine, the Kremlin has claimed a "legitimate" right to intervene in any errant socialist country.

Another point that Ceausescu and his foreign minister Corneliu Manescue harped on was an All-European Security Conference "which would include the United States, of course."

Such a conference, they argued, would develop a pact that would be an extra safeguard for small countries against domination by big powers. If it is such a safeguard, why has the USSR given high priority to such a meeting?

The term "All-European" is enough of a clue. Moscow has long dreamed of a Europe subject only to its whims and powers.

"Their proposal for what they call a European Security Conference is a major weapon in this offensive to dominate all Europe," said British Kremlinologist Malcolm Mackintosh in a recent interview to the U.S. News and World Report.

The British expert says Russia traditionally, for centuries has considered that "by natural law they should be the paramount influence not only over Eastern Europe but also over Western Europe. . . ."

Herman Achminov, chief researcher of the Institute for the Study of the USSR in Munich, maintains that the Kremlin has never flinched from a 1952 Stalin plan to conquer the whole of Europe.

Ceausescu advocates policies that would hasten the achievement of those goals.

SENATE—*Wednesday, November 25, 1970*

The Senate met at 10 a.m. and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

Rabbi Joshua O. Haberman, Washington Hebrew Congregation, Washington, D.C., offered the following prayer:

THANKSGIVING PRAYER

O Lord of the universe and protector of all mankind, from Thee come all our blessings from day to day and from year to year. In this land of ours so richly blessed by Thee, we raise our voice in joyous thanks. To these shores Thy children have come from many climes seeking liberty and a new hope in life. All have been pilgrims to this land of promise. Here they found renewed purpose, increased strength and the opportunity to outgrow old fears and suspicions. Let not a disgruntled spirit despise the bounties of this gracious land, nor belittle its power for good.

Fervently we invoke Thy blessing upon our country and our Nation. Enlighten with Thy wisdom and sustain with Thy power those whom the people have set in authority, the President, his counselors and advisers, the judges, lawgivers, and executives and all who are entrusted with the guardianship of our rights and our liberties.

May peace and good will obtain among the inhabitants of our land and exalt our Nation in righteousness. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. CARTER, and Mr. HASTINGS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Alabama, Mr. WRIGHT, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, and Mr. SCHWENGEL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits.

The message further announced that the House had agreed to the amendment

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of the Senate to the bill (H.R. 9017) to amend the District of Columbia Alcoholic Beverage Control Act.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 13564) 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.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia.

The message further announced that the House had passed a bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 24, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

TIME FOR VOTING ON TAX CONVENTIONS TODAY

Mr. MANSFIELD. Mr. President, I would like to raise an inquiry. It is my understanding that the vote on the tax conventions will occur at 12:30 p.m., today, and that although only one vote will be taken, four separate votes will be recorded, one on each tax convention, and will be so shown in the RECORD. I ask the Chair whether that is correct.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. I thank the Chair.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1360 and that the rest of the calendar be considered in sequence, up to and including Calendar No. 1374.

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

WORLD JAMBOREE OF BOY SCOUTS

The bill (H.R. 15216) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1350), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill would authorize the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services in support of the world jamboree of Boy Scouts to be held in Japan in 1971. This will be the first world jamboree to be held in Asia and it is expected to be the largest single Scouting event ever conducted. More than 20,000 Scouts and leaders of 132 countries are expected to attend. The U.S. contingent will consist of 4,000 boys and leaders.

The equipment authorized to be loaned would include tents, cots, blankets, commissary equipment, flags, refrigerators, vehicles, and such other equipment as may be necessary or useful.

Under the authorization for "other equipment, and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful" there would be provided communication, medical, engineering, and protective services that were specifically authorized by previous enactments for similar support for the Boy Scouts and Girl Scouts.

In addition, it is anticipated that under the general terms of the bill authorizing "other equipment, and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful" there could be furnished, as has been furnished under the language "other equipment" and "other logistical services" in previous enactments for similar support of national Boy Scout jamborees, the following types of support on a nonreimbursable basis:

(1) Specialized equipment for administrative support, and the operation of such equipment.

(2) Personnel for security, accounting, and organizational maintenance of the equipment loaned.

(3) Administrative support personnel such as supervisors, medical and dental technicians, military police, and bandsmen.

(4) Temporary duty and per diem costs of the foregoing support personnel as authorized by law.

(5) Expendable medical supplies.

Transportation will be authorized to be furnished from the U.S. military commands overseas and return on transportation of the armed services. Such transportation would be provided to Boy Scouts, Scouters, and officials certified by the National Council, Boy Scouts of America, as representing the national council at the jamboree, and to Boy Scouts and Boy Scout leaders of other nations whose associations are certified by the Boy Scouts of America as being official representatives to the world jamboree. Transportation would also be provided for equipment and property and the property loaned pursuant to the bill.

The equipment authorized to be loaned and the service authorized to be provided would be furnished to the extent that they are available and their provision will not jeopardize the national defense program. Transportation would be furnished to the extent that to do so will not interfere with the requirements of military operations. Transportation would also be provided for equipment furnished at no expense to the U.S. Government.

The National Council, Boy Scouts of America, will be required to give a good and sufficient bond for the safe return of property in good order and condition without expense to the United States. The council will also be required to give a good and sufficient bond for reimbursement to the United States of the actual cost of transportation furnished.

It might be noted that this bill is being reported in lieu of S. 4311 introduced by Senator Schweiker which covers the same subject matter.

FISCAL ASPECTS

The bill provides that no expense be incurred by the U.S. Government for the delivery, return, rehabilitation, or replacement of the equipment loaned. The National Council, Boy Scouts of America, is to pay all costs for delivery and return of equipment and for rehabilitation and repair or replacement of equipment as necessary. Transportation is to be furnished at no expense to the United States. However, in addition to the nonreimbursable services indicated above, some administrative costs would be incurred in the processing of outgoing and incoming shipments and the inspection of returned equipment. It is believed that these expenses will be nominal and can be absorbed within the regular operational budgets of the installations involved.

PREVIOUS LEGISLATION

The authority which would be granted in this legislation is consistent with like authority granted in support of the national jamborees of the Boy Scouts of America, and of the Girl Scouts. Similar authority in support were provided the fifth, sixth, and seventh national and the 12th world jamborees by Public Laws 86–22, 88–41, 89–490, and 90–501.

DR. DIONISIO TENG LIBI AND DR. BERNADETTE LIBI

The bill (S. 3870) for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Dionisio Teng Libi and Doctor Bernadette Libi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 7, 1961, and July 9, 1963, respectively.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1353), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to file petitions for naturalization.

GEORGE K. LIU

The Senate proceeded to consider the bill (S. 3540) for the relief of George K. Liu, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "of", where it appears the first time, strike out "the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act during the current fiscal year or the fiscal year next following."; and on page 2, line 4, after the word "following.", insert "March 8, 1963."; so as to make the bill read:

S. 3540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George K. Liu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 8, 1963.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1351), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

SOON AE KWALK

The Senate proceeded to consider the bill (S. 4029) for the relief of Soon Ae Kwalk, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "Act" strike out "Soon Ae Kwalk" and insert "Soon Ae Kwak"; and in line 7, after the word "Mrs.", strike out "Kon Yong Kwalk" and insert "Kon Yong Kwak"; so as to make the bill read:

S. 4029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Soon Ae Kwak may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Kon Yong Kwak, citizens of the United States, pursuant to section 204 of this Act: *Provided,* That the natural brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Soon Ae Kwak."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–352), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by citizens of the United States The bill has been amended to reflect the proper spelling of the family name.

GIUSEPPE DELINA

The bill (H.R. 3373) for the relief of Giuseppe Delina, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1354), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppe Delina. The bill provides for deduction of an appropriate quota number and for payment of the required visa fee.

OK YON KIRSCH

The bill (H.R. 4670) for the relief of Ok Yon (Mrs. Charles G.) Kirsch, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1355), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status for Mrs. Charles G. Kirsch, the widow of a U.S. citizen, which is the status to which she would be entitled were it not for the death of her husband.

INTERSTATE AGREEMENT ON DETAINERS

The Senate proceeded to consider the bill (H.R. 6951) to enact the Interstate Agreement on Detainers into law.

Mr. HRUSKA. Mr. President, before use for consideration today is H.R. 6951, a measure to enact the Interstate Agreement on Detainers into law on behalf of the United States and the District of Columbia. This is a most essential matter originally requested by the Department of Justice several years ago and enthusiastically endorsed by the National Association of Attorneys General representing the chief legal officers of each of our 50 States. To the knowledge of this Senator, there is no opposition to this proposal.

At the heart of this measure is the proposition that a person should be entitled to have criminal charges pending against him determined in expeditious fashion—another manner of stating the speedy trial guarantees of the Constitution. Just last year the Supreme Court in the case of *Smith* v. *Hooey,* 393 U.S. 374 (1969) held that a State which has a charge pending against a defendant serving a sentence elsewhere is required to make a good-faith effort to bring such defendant to trial within a reasonable time.

This agreement allows a prisoner serving a sentence in a State which is a party to the agreement to secure a trial within 180 days on a charge pending against him in another State. A prosecutor in a party State could similarly obtain custody of an accused who is serving a sentence in another party State subject to certain procedural limitations. This bill makes no charges in the substantive laws applicable to any criminal prosecution. All it does is to insure that both prosecution and defendant may, if they wish, have their day in court on a prompt and timely basis.

From the prosecutor's point of view, the advantages of this agreement are that long delay in trial pending the expiration of a previous sentence might make conviction impossible because of the death of witnesses or the disappearance of essential evidence. From the point of view of the accused, without this agreement his sixth amendment right of speedy trial is effectively destroyed. In addition the practice in many States is to deny parole or probation or other privileges to an incarcerated person who has an outstanding detainer pending from another State. Another consideration is that research has shown that convicted persons who have the threat of another prosecution hanging over them often lack the motivation for successful rehabilitation.

By enactment of this bill the United States and the District of Columbia would become signatories to this agreement which has already been adopted by 28 States. By approving this measure today we can insure that the United States will become part of this vitally needed system of simplified and uniform rules for the disposition of pending criminal charges and the exchange of prisoners. Article I of the agreement states the broad purpose of the legislation:

It is the policy of the party States and the purpose of this agreement to encourage the expenditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or

complaints. The party States also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Let me summarize the effect of enactment of the legislation. Federal and District of Columbia prison authorities would be required to inform prisoners of detainers which have been lodged against them. Prisoners could then request trial on such pending charges. Any request would then be transmitted through the warden to the proper official in the other jurisdiction, who would then have 180 days in which to bring the prisoner to trial. The prosecutor could obtain temporary custody of the prisoner and take him to the place of the trial. In the case of a Federal prisoner, the prosecutor would be entitled to temporary custody or to the prisoner's presence in Federal custody, which ever arrangement was approved by the custodian. The State whose prosecutor requests trial would be responsible for costs of transporting and returning the prisoner—article V. Upon completion of the trial the prisoner would be returned to the institution in which he was imprisoned. If convicted, any sentence imposed would be served in the second jurisdiction following completion of the original sentence. If the prisoner were not brought to trial within the 180-day limit, the charges would be dismissed with prejudice. The time limit could be extended for good cause shown in open court with the prisoner or his counsel present.

When, on the other hand, the proceedings are initiated by a prosecutor the request for custody would be made to appropriate officials in the jurisdiction in which the prisoner is being held. Unless the request is disapproved by the Government within 30 days, temporary custody would be given the prosecutor for the purpose of transferring the prisoner and holding trial. In this case trial must be commenced within 120 days of the time the prisoner arrives in the jurisdiction seeking him, unless the time is extended for good cause—article IV(c).

The agreement does not apply to persons adjudged to be mentally ill—article VI(b).

In recent years the moving force behind the adoption of the agreement has been the National Association of Attorneys General. Just this year this organization unanimously adopted a resolution calling on all parties to consent to the agreement. This Senator is very pleased that the leader in this effort has been the very distinguished Attorney General of my own State, the Honorable Clarence Meyer of Nebraska. He has been calling upon his colleagues in the other 49 States to see that the legislatures of each of the States grant consent to the agreement, and he has been very effective in Washington in insuring that this bill has passed the other body and has reached this place today. It is my great pleasure to commend him for his diligence and skill in this matter.

So far 28 States have joined this compact; it is expected that the remaining 22 will become partners as soon as their legislatures meet in the coming year. Just recently three additional States—Virginia, Tennessee, and Arizona—became signatories by action of their legislatures.[1] It is essential that the United States and the District of Columbia join in this agreement so that all jurisdictions will have uniform and simplified rules for the disposition of detainers and the exchange of prisoners.

As I stated earlier, I know of no opposition to this agreement but do know of its great need and usefulness to the orderly conduct of justice in this Nation. For this reason I urge that it be approved by the Senate today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1356), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enact into law and enter into the Interstate Agreement on Detainers on behalf of the United States of America and the District of Columbia.

STATEMENT OF THE FACTS

The Department of Justice and the government of the District of Columbia have stated their recommendations that the legislation be enacted.

The number of States that have joined in the agreement has risen from 20 to 25. Moreover, on January 20, 1969, in *Smith* v. *Hooey* (393 U.S. 374), the Supreme Court ruled that a prisoner charged with a State offense has a right to speedy trial and that the State is under an obligation to make a diligent, good faith effort to bring a defendant to trial within a reasonable time, even when he is serving a sentence in a Federal prison outside the State involved.

More recently, the Supreme Court of the United States ruled on May 25, 1970, in the case of *Dickey* v. *Florida* (398 U.S. 30), that a criminal conviction for robbery by the State courts of Florida must be vacated because the State had failed to bring the defendant to trial for a period of over 7 years on account of his detention during that time in a Federal penitentiary.

The committee is of the opinion that the enactment of this legislation would afford defendants in criminal cases the right to a speedy trial and diminish the possibility of convictions being vacated or reversed because of a denial of this right.

THE AGREEMENT

A detainer is a notification filed with the institution in which a prisoner is serving a sentence, advising that he is wanted to face pending criminal charges in another jurisdiction. In the absence of the agreement on detainers, prisoners do not have any way of initiating legal proceedings to clear detainers filed against them by authorities outside the State or other jurisdiction in which they are imprisoned.

The agreement on detainers, set forth in full in H.R. 6951, makes the clearing of detainers possible at the instance of a prisoner who is serving a sentence and also at the instance of prosecuting officials of a jurisdiction other than that in which a prisoner is incarcerated. The agreement gives the prisoner no greater opportunity to escape a conviction, but it does provide him with a procedure for bringing about a prompt test of the substantiality of detainers placed against him by other jurisdictions. The result is to permit the prisoner to secure a greater degree of certainty as to his future and to enable the prison authorities to plan more effectively for his rehabilitation and return to society.

The agreement also provides a method whereby prosecuting authorities may secure prisoners serving sentences in other jurisdictions for trial before the expiration of their sentences and before the passage of time has dulled the memory or made witnesses unavailable. However, a Governor's right to refuse to make a prisoner available is preserved and the agreement does not apply to persons adjudged to be mentally ill.

Under the agreement, prison authorities are required to inform prisoners of all indictments, informations, or complaints on the basis of which detainers have been lodged against them by other jurisdictions. Prisoners may then request trial on such pending charges. Any request is transmitted through the warden to the proper official in the other jurisdiction who then has 180 days to bring the prisoner to trial. For this purpose the prosecutor can obtain temporary custody of the prisoner and take him to the jurisdiction in which trial is to be held. In the case of a Federal prisoner, the prosecutor will be entitled to temporary custody as provided by the agreement or to the prisoner's presence in Federal custody at the place of the trial, whichever arrangement may be approved by the custodian. Upon completion of the trial, the prisoner is returned to the institution in which he was imprisoned. If convicted on the new charges, any sentence imposed is served in the second jurisdiction, after completion of the original sentence.

If the prisoner is not brought to trial within the 180-day limit, the charges are dismissed with prejudice and the detainer is no longer valid. The time limit can be extended for good cause shown in open court with the prisoner or his counsel present.

As was stated, prosecutors also can initiate proceedings to obtain trials of prisoners in other jurisdictions against whom charges are pending or detainers have been lodged. A request is made to appropriate officials in the jurisdiction in which the prisoner is being held. Unless the request is disapproved by the Governor of the State having custody within 30 days, temporary custody is given to the prosecutor for the purpose of transferring the prisoner and holding trial. Trial must be commenced within 120 days of the time the prisoner arrives in the jurisdiction seeking him, unless the time is extended for good cause.

Under the agreement any request by a prisoner to clear a detainer constitutes a request to clear all detainers emanating from the same State.

The agreement is open to participation by the United States of America and by the District of Columbia, as well as by each of the several States, the territories and possessions, and the Commonwealth of Puerto Rico.

It is provided that the agreement shall enter into full force and effect as to a party "State" when such State has enacted the same into law, and that any party may withdraw by enacting a repealer.

At the present time the following 25 States have enacted the Interstate Agreement on Detainers into law: California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, and Wisconsin.

[1] States already party to this agreement: Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin.

Congressional consent in advance was given for agreements like the Interstate Agreement on Detainer in the act of June 6, 1934 (44 Stat. 909), which is now found in section 112(a) of title 4, United States Code, and reads as follows:

The consent of Congress is hereby given to any two or more States to enter into agreements or compacts of cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

NEED FOR THE LEGISLATION

The Attorney General has advised the committee that a prisoner who has had a detainer lodged against him is seriously disadvantaged by such action. He is in custody and therefore in no position to seek witnesses or to preserve his defense. He must often be kept in close custody and is ineligible for desirable work assignments. What is more, when detainers are filed against a prisoner he sometimes loses interest in institutional opportunities because he must serve his sentence without knowing what additional sentences may lie before him, or when, if ever, he will be in a position to employ the education and skills he may be developing. Although a majority of detainers filed by States are withdrawn near the conclusion of the Federal sentence, the damage to the rehabilitation program has been done because the institution staff has not had sufficient time to develop a sound prerelease program.

For similar and other reasons, the government of the District of Columbia states that it believes that H.R. 6951 represents desirable and beneficial legislation. In connection with the predecessor measure, H.R. 15421, 90th Congress, it advised the committee that unless the legislation is made applicable to the District of Columbia (as well as to the United States) there is no method available whereby a prisoner who is serving a term of imprisonment in one of the party States and against whom there is pending in the courts of the District of Columbia an information or complaint based upon a violation of a municipal regulation or ordinance, or an act of Congress in the nature of a municipal regulation or ordinance which is applicable solely within the District of Columbia may require the disposition of a detainer lodged against him. Furthermore, unless the legislation is made applicable to the District, its prosecuting authorities would not be able to have a prisoner in a party State made available for disposition of local detainers. For these reasons the government of the District of Columbia recommended amendments to H.R. 15421 to make the legislation directly applicable to the District. The committee adopted these amendments and they are incorporated in H.R. 6951.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6951) was ordered to a third reading, read the third time, and passed.

MRS. ROLANDO C. DAYAO

The bill (H.R. 14543) for the relief of Mrs. Rolando C. Dayao, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1357), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Rolando C. Dayao. The bill provides for deduction of a quota number and for payment of the required visa fee.

MRS. MARIA ZAHANIACZ

The bill (H.R. 15767) for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1358), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status for Mrs. Maria Zahaniazc (nee Bojkiwska), the widow of a U.S. citizen, which is the status to which she would have been entitled were it not for the death of her husband.

SOMPORN BELL

The bill (H.R. 15922) for the relief of Somporn (Leeta Noi) Bell, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1359), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

SOON HO YOO

The bill (H.R. 16857) for the relief of Soon Ho Yoo, was considered, ordered to a third reading, read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1360), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by citizens of the United States, notwithstanding the fact that two alien children have previously been adopted.

JACQUELINE AND BARBARA ANDREWS

The bill (H.R. 17431) for the relief of Jacqueline and Barbara Andrews, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1361), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to provide for the granting of second preference status to two alien children to be adopted by lawful permanent residents of the United States.

JUNG YUNG MI AND JUNG AE RI

The bill (H.R. 17508) for the relief of Jung Yung Mi and Jung Ae Ri, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1362), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of the two alien children to be adopted by citizens of the United States, notwithstanding the fact that four alien children have previously been adopted.

JIN SOO PARK AND MOON MI PARK

The bill (H.R. 17912) for the relief of Jin Soo Park and was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1363), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by citizens of the United States.

SMALL BUSINESS ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 4536) to amend the Small Business Act.

SBA LOAN CEILING

Mr. DOLE. Mr. President, the Small Business Administration has reached the $1.9 billion statutory ceiling for outstanding loans set by the Small Business Act and the Economic Opportunity Act of 1964, so it has been necessary to freeze all loan approvals in SBA's regional and district offices. S. 4536, reported by the Banking and Currency Committee Monday, was passed on the consent calendar today. The bill will alleviate this crisis by raising the loan ceiling to $2.4 billion.

It is important that the Members of this body realize that the Small Business Administration anticipated this crisis. As early as last August 5, SBA's Administrator, in testimony before the House Banking and Currency Committee, warned that timely action on H.R. 4291

was needed, because, as of June 30, 1970, of the $1.9 billion existing ceiling, a total of $1.7 billion was outstanding.

On a straight line projection basis, the established ceiling will be reached by approximately December 1 of this year.

This forecast was accurate within a few days.

When we look at the figures for fiscal 1970, we can see that SBA has done an outstanding job of fulfilling its legislative mandate. A total of 32,113 loans amounting to $884,744,164, in private as well as Government dollars were approved. This compares with 16,640 loans amounting to $720,200,000 in fiscal 1969. At the end of fiscal year 1970, the 114,801 loans in SBA's active portfolio make up more than 11 percent over the previous year amount ing to $2.3 billion, a 15-percent increase in value.

In 1970, SBA launched new initiatives in financial assistance programs, including the 3-day automatic guaranty plan and the line of credit guaranty plan. SBA's relationship with the American banking community and the private financial sector has been tremendously enhanced by these and other innovations.

SBA has also done outstanding work over the past year in the fields of disaster loans, business opportunities for disadvantaged citizens, and the harnessing of voluntary, private sector help to service the small business community. But continued success depends on affirmative action by the Congress.

SCORE

S. 4536 also contains a provision that was the subject of a bill I introduced on April 20, 1970, authorizing compensation for expenses incurred by SCORE volunteers during their assistance to small businessmen.

SCORE stands for Service Corps of Retired Executives. As a program, it embodies some of our most basic American values. Under the auspices of SBA, some 36,600 former business executives give free advice and counseling in their individual areas of expertise to small businessmen throughout the country.

The need for this kind of assistance is emphasized when we recall the Dun & Bradstreet study that attributes nine out of 10 business failures to management problems. To help overcome this management gap, SBA, primarily through its SCORE volunteers, provides person-to-person business management counseling to prospective and operating small business owners. The counseling covers the full range of areas where a small businessman may encounter problems, from administrative management principles, to specific problem solving and business techniques.

A recent cost/benefit evaluation of SBA-guided management assistance, conducted in 12 SBA regions, reached an impressive conclusion in regard to SCORE. According to this study, benefits from assistance to small businessmen were 10 times greater than the costs of the program. I wish that we could say the same of many far more costly programs of the Federal Government. Certainly, when this kind of efficient service comes to our attention, we should do everything in our power to encourage and strengthen it.

SCORE's 3,600 volunteers provide their many-faceted services at no charge in the best spirit of voluntarism in a free society. No one that I know has ever suggested that this arrangement should be changed; however, as the law stands today, SCORE members provide their services without charge, but they are denied reimbursement for such necessary, unavoidable expenses as parking fees and telephone calls.

Section 2 of S. 4536 authorizes the payment of these out-of-pocket expenses. The annual cost to Government is estimated at $200,000.

This is not a monumental amount, and I believe we can all agree that it is a pitifully small sum in comparison to the contribution SCORE volunteers across the Nation are making to the small business community. Indeed, the money is not really the most important aspect of this legislation. To the thousands of SCORE volunteers whose efforts go on, day after day, unheralded and unthanked, this legislation is a small but tangible way for us to give them some well-deserved recognition and, more importantly, valuable assistance for their efforts. In other words, passage of this legislation is an immense morale builder and one that is highly deserved. Its positive impact will far outweigh the modest costs involved.

We owe it to the men and women who have compiled such an impressive performance record in the agency; to the thousands of volunteers who have cooperated in achieving that record; and, most of all, to the millions of small, independent businessmen across the country who look to SBA for firm, effective assistance.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1366), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The bill would amend the Small Business Act to increase by $500 million the amount of loans, guarantees, and commitments which can be outstanding at any time from the business loan and investment fund of the Small Business Administration. It would broaden SBA's authority to pay travel and other related expenses incurred by SBA's volunteer management counseling personnel.

AMENDMENTS TO THE SMALL BUSINESS ACT MADE BY THE BILL

Increase in the amount of loans which may be outstanding.—Section 1 of this bill increases from $1.9 billion to $2.2 billion the amounts which may be outstanding at any one time in SBA's regular business loan program, displaced business loans, prime contract authority, trade adjustment loans, and loans made under title IV of the Economic Opportunity Act of 1964. There is an increase in the sub-limitation of title IV loans from $200 million to $300 million. The Small Business Administration estimates that if this increase is made it will be able to continue these programs until June 30, 1971.

This bill also increases from $300 million to $500 million the amount of loans which may be outstanding under title V of the Small Business Investment Act of 1958. (State and local development company programs.) SBA estimates that if this increase is made it will be able to increase these programs until June 30, 1972.

The following tables show the increase in these loan ceilings made by the bill and the estimated requirements for these programs for fiscal years 1969-1972.

	Present law	S. 4536
Regular business loans; Displaced business loans; Prime contracts; Loans under title IV of the Economic Opportunity Act of 1964; Trade adjustment loans	$1,900,000,000	$2,200,000,000
Title V of the Small Business Investment Act of 1958 (State and local development company programs)	300,000,000	500,000,000
Loans under title IV of the Economic Opportunity Act of 1964	200,000,000	300,000,000

SMALL BUSINESS ADMINISTRATION—ESTIMATED BUSINESS LOAN AND PRIME CONTRACT LIMITATION REQUIREMENTS, FISCAL YEARS 1969-72

[Dollars in millions]

	Actual		Fiscal year 1971 budgeted levels projected	
	June 30, 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year		$1,321.6	$1,510.5	$1,739.3	$2,165.4
Plus new loan approvals:					
7(a) business		426.5	424.4	635.0	635.0
Economic opportunity		49.1	70.3	138.0	118.0
Displaced business		29.8	39.2	46.0	46.0
Sec. 8(a) prime contracts (net increase)			11.2		
Total		505.4	545.1	799.0	799.0
Minus repayments and cancellations:					
7(a) business		287.6	285.9	329.8	350.0
Economic opportunity		14.7	21.4	29.1	40.0
Displaced business		10.5	9.0	14.0	16.0
Sec. 8(a) prime contracts (net decrease)		3.7			
Total		316.5	316.3	372.9	406.0
Outstanding loans and commitments, end of year		1,510.5	1,739.3	2,165.4	2,558.4
Contingency reserve or deficit (—)				34.6	—358.4
Present limitation		1,900.0	1,900.0		
Recommended limitation in H.R. 4291				2,200.0	2,200.0
Memorandum: Outstanding by program:					
7(a) business	$1,144.8	1,283.7	1,422.2	1,727.4	2,012.4
Economic opportunity	67.4	101.8	150.7	239.6	317.6
Displaced business	104.1	123.4	153.6	185.6	215.6
Sec. 8(a) prime contracts	5.3	1.6	12.8	12.8	12.8

SMALL BUSINESS ADMINISTRATION—ESTIMATED DEVELOPMENT COMPANY LIMITATION REQUIREMENTS, FISCAL YEARS 1969–72

[Dollars in millions]

	Actual		Fiscal year 1971 budgeted levels projected	
	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year	$205.8	$249.4	$291.9	$360.4
Plus new loan approvals	60.6	62.0	90.0	90.0
Minus loan repayments and cancellations	17.0	19.5	21.5	23.5
Outstanding loans and commitments, end of year	249.4	291.9	360.4	426.9
Plus contingency reserve			139.6	73.1
Present limitation	300.0	300.0		
Recommended limitation in H.R. 4291			500.0	500.0

Broaden authority to pay expenses of management counseling volunteers.—A great number of experts must be recruited by SBA to meet the management assistance needs of the small business community, consisting as it does of some five million numbers. Obviously, budgetary considerations prevent the Agency from expanding its staff to include the number that would be required. Instead, SBA must rely for the most part on the services of volunteers such as those enrolled in the Service Corps of Executives (SCORE) and Active Corps of Executives (ACE) organizations.

However, experience thus far gained demonstrates that, unless improvements are made in the conditions under which these volunteers furnish their services, SBA's efforts to enlist their talents will be substantially impeded.

Section 2 of this bill is directed largely to improving the conditions under which these volunteer-members work and to establishing more equitable reimbursement arrangements for out-of-pocket expenses incurred by them in the course of such work. In this connection, section 2 would effect the following changes:

Transportation expenses.—Under existing law, SBA can defray the transportation expenses and per diem allowance of a corps member only with respect to travel and subsistence expenses incurred in connection with travel to a point more than 50 miles distant from his home. Section 2 would abolish this 50-mile limitation.

Rental of facilities.—Under existing law SBA may permit corps members to utilize its office facilities and related materials and services—but only to the extent that such facilities, materials and services are available. If they are not available, SBA has no authority to rent them for the use of corps members. This deficiency would be remedied by section 2.

Parking space.—Under exisiting law, SBA has no authority to reimburse the volunteers for parking costs incurred by them in the discharge of their functions. This section would remedy this situation.

Telephone calls.—Under existing law, SBA cannot reimburse a corps member for expenses incurred in placing a telephone call from his home in furtherance of SCORE purposes. Section 2 would remedy this deficiency.

Telephone directories.—Under existing law, SBA cannot defray the cost of having SCORE and ACE listed independently in telephone directories. The absence of such a listing frequently prevents people from reaching the organizations, because it does not occur to them to look under the SBA heading. Section 2 would permit SBA to eliminate this problem.

This section also provides for the dissemination to members of the small business community of information regarding the availability to them of corps members. Under existing law, the authority of SBA to pay for such promotion is limited. SBA cannot, for example, buy TV space for the purpose. Section 2 would provide SBA with clear authority to pay the cost of such dissemination through advertising media.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637 (b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, and, when the Administration deems appropriate, the cost of transportation or mileage and related allowances under section 5704 of title 5, United States Code, for local travel including travel between the individual's residence or regular place of business and the place where service is performed, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Delaware (Mr. BOGGS) is now recognized for 20 minutes.

THE CONVEYANCE TO DELAWARE OF CERTAIN MILITARY LANDS

Mr. BOGGS. Mr. President, nearly 6 months ago my senior colleague (Mr. WILLIAMS) and I introduced S. 2922, a bill to convey to the State of Delaware certain military lands located in Sussex County, Del.

On June 15 the distinguished chairman of the Armed Services Committee asked the Department of Defense for its comment on the bill. Ten days later he asked that submission of that comment be expedited.

Now, nearly 6 months later, the Department has not seen fit to comment upon the bill. It appears that the Department has deployed its most devastating weapon—procrastination—in order to hold onto these lands for which it has precious little justification.

For the benefit of my colleagues who may be interested, I will briefly describe the land involved and the situation regarding it.

On the Atlantic Ocean, stretching northward from Rehoboth Beach in Sussex County, Del. is a stretch of beautiful beach land, most of it owned by the State of Delaware and used as public parkland.

It is one of the few areas of unsullied beach remaining on the densely populated east coast of the United States, and it is a popular vacation and swimming spot for thousands of Americans from eastern cities.

However, this State parkland is split by certain parcels of land owned by the Army and the Navy. Frankly, the State of Delaware long has coveted these parcels for incorporation into the park system where they could be of service to many more thousands of people.

It became evident during April—during Earth Week to be more exact—that it is necessary for the land to be conveyed to the State if it is to be used wisely.

The 1st U.S. Army, in all its wisdom, chose that week devoted to programs of conservation to destroy one of the few natural wonders in the Middle Atlantic area. It chose that week to level what we used to refer to as the "Big Dune." The "Big Dune" once stood 70 feet high and it was covered with beautiful flora and populated with strange fauna. It was so well known among naturalists that it was the subject of learned articles in The National Geographic and Scientific American.

Now it is a literary subject of interest only to editorial writers and indignant correspondents.

The 1st Army, during that week, moved in its bulldozers. When it left, it took the top 30 feet of the "Big Dune" with it. And in its place, the 1st Army installed five housetrailers.

Understandably, there was much hue and cry over this action, which was undertaken without consultation with Delaware officials or with residents of the area and in total disregard of the environment. This action also resulted in the introduction of S. 3922, which I have mentioned, by Senator WILLIAMS and myself and in verbal negotiations with both the Army and the Navy.

The Navy, I must say, has been reason-

able and has indicated a willingness to part with some of the land it does not need for vital defense purposes. The Army, however, has been adamant that it must retain its 190-acre plot.

The Army uses its land only as a rest and relaxation area. There is a firing range on the land and an underground bunker, neither of which is in use.

The Secretary of the Interior, the Honorable Walter J. Hickel, recently toured the area in the company of Representative WILLIAM V. ROTH, JR., of Delaware. At that time, Secretary Hickel indicated the land should belong to the State and be used for recreational purposes. That is an attitude long held by the National Park Service. In 1955 it issued a survey of the Atlantic and gulf coasts. That survey mentioned the Delaware coastline north of Rehoboth Beach as a most desirable place to develop public recreational facilities.

A letter written to Secretary Hickel by 1st Army Commander Lt. Gen. Johnathan O. Seaman in the aftermath of the Secretary's visit has recently come across my desk. I ask unanimous consent that that letter and a reply from Secretary Hickel be printed in full at the end of my remarks.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered. (See exhibit 1.)

Mr. BOGGS. But Mr. President, I cannot resist pointing out some of the inconsistencies it contains.

Overshadowing all of them is the proposal that a three-man committee to supervise the preservation of the "Great Dune" be established. This, in my opinion, would be the classic example of closing the barn door on the heels of the fleeing horse. General Seaman wants to preserve a sand dune which has largely been destroyed by his own organization.

The general, in his letter, points out that—

> With respect to the Great Dune, you will find personnel who desire complete stabilization and others who believe it should not be stabilized at all. Between these two extremes there is probably a solution which is optimum.

It is obvious to me that the 1st Army already has reached its own optimum solution. It knocked 30 feet off the 70-foot dune.

If this is the 1st Army's version of stabilization I am happy it is not running the economy.

General Seaman also points out in his letter that there are 26 furnished housing units at the installation, available to both enlisted and officer personnel on a first-come-first-served basis and that 12,000 people use these units.

I am afraid I must quarrel with General Seaman's figures. His Chief of Staff, Maj. Gen. R. G. Ciccolella, earlier wrote to me that reservations at the facility for this year totaled 304 officer families, 79 enlisted families, 711 bachelor enlisted men, and 20 bachelor officers.

If 12,000 people actually did use the facility, then simple arithmetic indicates that each family that used the facility had 20 members.

But much more important than that is the fact that the State of Delaware supplies water for the Army installation and charges a fixed amount for each person that uses it. The State depends upon the Army to count the people using the facility and takes the Army's word that the count provided is accurate.

This year the Army reported no use of the water until April. The counts then provided to the State were 45 in April, 255 in May, 1,082 in June, 955 in July, 967 in August, and 259 in September. There has been no count since September.

Mr. President, this totals 3,563 persons, a far cry from 12,000. I would suggest the First Army must either lower its estimates or pay its overdue bills.

General Ciccolella, in his letter to me, also explained that it cost $6,765.15 to grade the "Big Dune" and that the five mobile homes costs $24,911.40. This money, the General said, came from nonappropriated welfare funds.

The Department of Defense informs me that welfare funds normally are the profits from post exchanges and motion picture theaters and that they are intended to be spent on troop welfare activities such as athletics, recreation, and service clubs.

I would suspect that there are very few, if any, troops who have occupied these five house trailers. Rather, I would imagine, few persons below field grade have had access to them.

There are some 61,748 or more men and women in the First Army. I suggest that total of $31,676.55 could have been spent much more wisely and for the benefit of many more deserving people.

Secretary Hickel wrote back to General Seaman after reading his letter. He said:

> While I appreciate the recreation benefits to military personnel from the uses which have been made of the area, I am also personally convinced that the general public would also benefit from the use of this area in accordance with state recreation and park plans.

I am in full agreement with Secretary Hickel. I do not want to deny recreational facilities to military personnel, of course.

This Army land is adjacent to the Cape Henlopen State Park, which has accommodated 1 million persons this year, compared to the few people served by the Army facility. The State Park Commission estimates that the 2,800 feet of beach occupied by the Army would accommodate 4,500 swimmers at one time.

The State of Delaware has been a generous host over the years. Usage of the Cape Henlopen Park, alone, is double the population of the State of Delaware. It is estimated that 4 million visitors will use Delaware parks next year. That is nearly eight times the State's population.

The State of Delaware is fortunate to have such beautiful beach areas, and it is anxious that they be maintained properly. The Army has demonstrated its disregard for the piece of beach it owns and the land should be consolidated within the adjacent State parks areas.

There is ample precedent for this action. Just this year the Marine Corps turned over three and a half miles of beachland at Camp Pendleton for inclusion in a California State park. If the Marines can part with three and a half miles of beach at an active military installation, the Army certainly can part with 2,800 feet of beach at an inactive one.

At this late hour, I do not expect that any action will be taken on S. 3922 this year, but we will reintroduce it in January, and I am hopeful that the situation can be resolved properly early next year.

EXHIBIT 1

HEADQUARTERS, FIRST U.S. ARMY,
Fort George G. Meade, Md., October 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: It was an honor to have you visit our recreation and training facility at Fort Miles, Delaware, on 18 September 1970. I regret that because of a prior commitment that I was unable to change, I personally did not have the opportunity of being with you.

After discussing the meeting with Major General E. H. Burba, my representative, I was sorry to hear that there was not sufficient time available to inform you of the significant conservational efforts put forth by the U.S. Army in recent years. Thousands of dollars have been expended to build up the dune area and enhance its natural beauty. Today, unfortunately, we find ourselves involved in an emotional discussion concerning the preservation of the dune area.

During the past several years, the U.S. Army has returned approximately 1,200 acres to the State of Delaware leaving approximately a 200 acre tract of land for use by the U.S. Army. Title to this tract has been maintained by the Department of the Army with 13 acres being used for recreation and the remainder for training by U.S. Army Reserve units located in the Delaware, Maryland and Virginia area. Not only has the Army turned over most of the land and the majority of all buildings previously owned, we have also loaned supplies and equipment to their Parks Department and opened the dune and beach area to the general public.

There are a total of 26 furnished housing units available for reservation to enlisted and officer personnel on a first-come, first-served basis. The average daily rate for rental is $7 per day per family. Each year for the past six years, all units have been reserved to their maximum capacity for the entire summer season. This amounts to in excess of 12,000 people annually having the opportunity to spend a maximum of 7 days of their leave time at a beach resort within their financial means. In addition, a large number of military personnel and their families visit the beach on a daily basis.

In addition to the above, it is important that you be aware of the training requirements that exist for US Army Reserve units. At present there is an Area Organizational Maintenance Shop and an Area Equipment Storage Compound located at Fort Miles, Delaware. The Area Organizational Maintenance Shop provides maintenance support to all US Army Reserve units on the Delaware-Maryland Peninsula. Most of the equipment stored in the Area Equipment Storage Compound is assigned to the 67th and 68th Transportation Platoons located at Lewes, Delaware, and the 151st Transportation Platoon from Chincoteague, Virginia. There is also a 20 point known distance rifle range on the installation with firing lines at 100, 200, 300, and 500 yards. In recent years the range has been used for familiarization firing by the Navy and some US Army Reserve units. Plans are underway to restore the range for use by all reserve components on the peninsula. The use of this range reduces travel time for the units that have been using

the ranges at Fort Meade, Maryland, for their marksmanship training. The above mentioned units train at the Fort Miles Reservation two weeks each month. The gentle sloping sand beaches are ideally suited for training crews of the amphibians used in across-the-beach operations.

With respect to the Great Dune, you will find personnel who desire complete stabilization and others who believe it should not be stabilized at all. Between these extremes there is probably a solution which is optimum. We have tried in the past to effect this solution. To insure that efforts in the future are in the best public interest, I propose that we establish a committee for the preservation of the Great Dune to consist of three members, one from the Department of the Interior, one from the State of Delaware and one from the First United States Army to meet, discuss, and plan whatever future work should be necessary in the care of this natural resource. In this way we can be assured that future efforts will have received the adequate and careful attention of the Federal and state agencies who have an interest in this matter. I would appreciate your comments on this proposal.

In closing I want to assure you, Mr. Secretary, that we in First Army are completely cognizant of the natural beauty and value of the dune area and that we are taking all prudent steps possible to insure the proper management of the area.

Sincerely,

JONATHAN O. SEAMAN,
Lieutenant General, U.S.A. Commanding.

OCTOBER 26, 1970.

Lt. Gen. JONATHAN O. SEAMAN,
Office of the Commanding General, First United States Army, Fort George G. Meade, Md.

DEAR GENERAL SEAMAN: Thank you for your informative letter of October 2, 1970, relating to the Army's use of land at Fort Miles.

I enjoyed my visit to the area and the opportunity to meet with your representatives. While I appreciate the recreation benefits of military personnel from the uses which have been made of the area, I am also personally convinced that the general public would also benefit from the use of this area in accordance with State recreation and park plans.

Your letter suggested the possibility of establishing a committee for the preservation of the Great Dune and to advise on subsequent planning for the use by the Army of the area in question. It is my understanding that the Administrator of the General Services Administration is making a survey of this property pursuant to Sec. 2 of Executive Order 11500. Under these circumstances, I think it would be advisable for us to wait for results of that survey prior to establishing a committee on the future use of the land as a military recreation area.

Pending subsequent action by the General Services Administration, I urge you to open as much of the area as possible for general public use not incompatible with your military requirements.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 10 minutes, without prejudice to the able Senator from Florida under the previous order.

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

AMERICAN TROOPS USE AGENT ORANGE, BANNED DEFOLIANT, IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, 45 years ago the United States took the lead in drafting the Geneva convention, the most basic and fundamental international treaty banning the use in war of all poisonous gases and biological methods of warfare.

Today, the United States stands almost alone among the powers of the world in failing to become a signatory to this treaty which we first proposed.

The fact is that the contention was first suggested in Geneva at an international conference by the head of the U.S. delegation, Representative Theodore E. Burton, from my native State of Ohio, with the full support of President Coolidge and Secretary of State Kellogg.

In June, 1925, the United States signed the Geneva convention but it was never ratified by the Senate. This was in large measure because the chemical industries and especially generals of the Army Chemical Service exerted considerable pressure against the ratification of the convention.

Mr. President, a year ago today, on November 25, 1969, President Nixon announced that the United States was renouncing germ warfare. He ordered existing American chemical and biological germ warfare weapons destroyed. The President also pledged that research on biological agents would be only defensive in nature.

Recently, however, shocking and appalling, it has come to light that American troops in South Vietnam are continuing to use a poisonous chemical warfare ingredient months after it had been banned by the Defense Department. The fact is that spraying of Agent Orange, containing the deadly chemical compound, 2,4,5-T was ordered suspended on April 15 of this year. Since that time, however, hundreds of acres of farmland in the highlands of Quang Ngai Province in South Vietnam have been sprayed with Agent Orange.

This was disclosed by enlisted men in the 90th Chemical Detachment after the commander of the detachment, Capt. John Morrison, denied that Agent Orange was being used.

Last year, a secret study sponsored by the National Cancer Institute raised grave doubt about the 2,4,5-T ingredient in Agent Orange. When the substance was fed in small doses to laboratory rats and mice, 80 percent of their offspring were stillborn, and 39 percent of the survivors were deformed.

Because Agent Orange only reduces plant yield by two-thirds, individual plants, though tainted often look edible. Therefore, the National Cancer Institute study clearly suggests that the U.S. Army was inadvertently poisoning the people of South Vietnam.

The enlisted men in the 90th Chemical Detachment admitted that they had sprayed Agent Orange after the ban on this deadly defoliant and as evidence pointed to the fact that 145 barrels of the poisonous chemical were carried on their unit's books, but only 40 were actually on hand. When they were asked what happened to the missing 105 barrels, one soldier, David Church, a 21-year-old draftee from Pawtucket, R.I., replied:

> We sprayed a lot of it.

Larry Beckner of Spokane, Wash., stated:

> Hell, we've been using it all through the summer.

Remarked another soldier:

> If we ain't been using it, where do you think those missing barrels went? We sure ain't making milkshakes out of it.

The men of the 90th Chemical Detachment claim that Orange has been sprayed by other units as well as their own. The stated reason for spraying the crops, which all belong to Montagnard tribesmen, was that the Army suspects the harvest was being given to the Vietcong. The traditional ethnic hatred between Montagnards and all other Vietnamese make it unlikely they would voluntarily supply food to either side.

Mr. President, the Defense Department has not destroyed its stocks of biological warfare agents—including 45,000 poison bullets and darts—stored at Pine Bluff Arsenal in Arkansas nor has it dismantled any of the Army's biological research facilities at Pine Bluff or at Fort Detrick, Md., despite the President's renunciation of germ warfare. Moreover, the Defense Department still has not yet done away with the anticrop biological agents that produce such diseases as wheat rust and rice blast.

Visitors to Pine Bluff Arsenal report the existence of a 10-story tower where biological agents were produced and 273 mounds or igloos, visible from the air where the germs or toxins—toxins are the dead but poisonous products of bacteria—are kept under refrigeration.

Mr. President, since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in South Vietnam, an area the size of the State of Massachusetts. Most appalling and often lost amid our growing statistics of war dead and wounded and those of the Vietcong and North Vietnamese is the fact that more than half a million Vietnamese civilians—women, children, and old men—have been killed or maimed for life by our napalm bombing, and our use of chemical defoliants.

When I was in South Vietnam in early 1968 as a representative of the Senate Armed Services Committee I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets. I saw in hospitals and elsewhere women and also little children who had been horribly burned and maimed by our napalm bombing. Many had lost an arm to the shoulder or leg.

Mr. President, approximately $350 billion of our taxpayers' money has been spent annually for chemical and biological warfare agents during recent wars. For many years, the Department of Defense has purchased and stockpiled enormous amounts of toxic and infectious chemical and biological agents.

The time is long past for the United States to dismantle its biological and chemical warfare establishment. Our continued use of defoliants in Vietnam is a stain on our national conscience. We should ratify the protocol prohibiting the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare, Geneva, June 17, 1925, and totally destroy our arsenals of germ warfare weapons that burn and maim innocent people for the rest of their lives.

JAPAN: A ONE-SIDED COMMITMENT—WE SHOULD CLOSE OUR BASES THERE AND GET OUT

Mr. YOUNG of Ohio. Mr. President, Japan is the third most powerful economic nation in the world. At the present rate of financial or national economic growth compared with ours it is expected that Japan will exceed the United States in per capita income by the year 1990 and will equal the U.S. gross national product by the year 2000. In addition to its enormous economic power, the Japanese have begun to provide, in a limited manner, for their own self-defense since the maintenance of a war potential has been forbidden by article 9 of the Japanese Constitution—but quite sufficiently for their purposes.

We, as the nation which destroyed the powerful imperial navy of Japan and became the occupation power under General MacArthur, dominated the drafting of that constitution.

The Japanese Special Defense Force presently numbers 285,000 officers and men. This is a highly trained, powerfully armed force superior man for man to the armed force of any Asiatic country. It is certainly sufficient in size, training, and general equipment to handle most ordinary contingencies while the U.S. nuclear umbrella and 7th Fleet are available to protect the Japanese from any real threat to their sovereignty, just as it is protecting some countries far less worthy of our support.

For example, we have for 19 years been supporting that corrupt and boastful old warlord of Taiwan, Chiang Kai-shek, whose government is despised by the native Taiwanese over whom he has established a military dictatorship. He would not be in power today were it not for the support of our 7th Fleet with its powerful guns and airpower and approximately $20 billion of U.S. taxpayers' money poured into the dictatorship of Taiwan.

By contrast, the Constitution and present system of government in Japan is overwhelmingly supported by the people. A rising self-confidence has developed from the economic boom of the 1950's and the pride which Japanese have gained by being host country to the 1964 Olympics and the 1970 Exposition.

Mr. President, U.S. dollars are not necessary for the support of this government. It can stand very well on its own feet. In fact, it is a well-known fact that the continued maintenance of 85,000 troops and dependents on almost 150 bases in Japan, at a cost to American taxpayers of from $550 to $600 million a year, is a source of worsening relations between our two countries.

A vast majority of the Japanese people, even small children, despise Americans. Of all nationals of various nations presently living in Japan, those families of American servicemen who are there and also Americans visiting Japan feel and realize the venom and hate towards Americans exceeds the dislike that Japanese may have for other members of the white race. More than a quarter of a century has elapsed since the nuclear bomb was hurled from the Enola Gay upon Hiroshima, destroying that city and instantly incinerating or permanently maiming in a most horrible manner more than 100,000 Japanese men, women, and children.

We can readily look back 25 years. Now the entire character of any possible world war is vastly changed. The United States maintains at the present time in the homeland of the Japanese people air bases and other military installations exceeding 150 in number.

In Japan we have been maintaining more than 40,000 men of our Armed Forces, mostly in the Air Force, maintaining a huge number of warplanes and, of course, taking over and making use of much land in this densely populated country depriving farmers and businessmen of land they could use for productive purposes. In addition, there are more than 45,000 dependents of men in our Armed Forces stationed in Japan and thousands of American civilians employed at airbases and other installations.

Then in the nearby Philippine Islands at Clark Air Base we have a huge enclave of our Armed Forces and dependents maintaining fighter planes and bombers, also in Okinawa.

One could wonder how we Americans would feel were the forces of the Soviet Union to seek to encircle us to even a small extent. There has been quite an outcry already over the fact that the Soviet Union has submarines and trawlers, being their version of intelligence collecting vessels just as we have our *Pueblos* in waters close to the Soviet Union, in the Atlantic. Yet some Americans express outrage that the Soviet Union has established a submarine facility at Cienfuegos, Cuba. So we have five airbases in Japan. Also airbases in Turkey, Okinawa, and the Luzon in the Philippine Islands. This seems such an unnecessary burden on American taxpayers and unrealistic operation on the part of the generals and admirals of our Armed Forces. Were there to be a sudden attack by one of the two great nuclear powers—the United States and the Soviet Union—there would be instant retaliation. For example, were the Soviet Union to seek to attack us suddenly and without warning, this, of course, would be a missile attack from within the Soviet Union and from the Soviets' submarines and there would be instant retaliation from our missile bases in the United States and from our far-ranging Polaris submarines with a capability of delivering nuclear missiles on target at distances exceeding 2,750 miles.

Frequently recurring riots and violence against our Embassy in Tokyo is just a symptom of the fact that the Japanese are again on the march to military naval and air power as they were in the 1930's. Just yesterday Japan's best known contemporary novelist, Yukio Mishima, committed hara-kiri in a gesture of protest against national defense policies he has long criticized for "timidity and weakness." Mishima, 45, rushed into the courtyard of the Ichigaya station of the ground self-defense forces with four other men, all brandishing swords, attacking Japan's United States-imposed "no war" constitution. Mishima told the troops from the balcony that "we protest by death this constitution which has spoiled and defamed the noble traditions of the country we love so much."

According to one recent poll, the popularity of America and Americans in the opinions of the Japanese is at a post-war low. An attempt by a U.S. President to visit Tokyo and laying the plans for such visit would require maximum security precautions and even this would be likely to set off bloody rioting and result in a cancellation, as in the case of the projected Eisenhower visit. A former assistant ambassador to Tokyo has reported that when President Johnson planned a visit to Korea and Japan following the Manila Conference of October 1966, the reaction from Tokyo was immediate. "Inconceivable" was the word.

The visits of our nuclear-powered submarines into Sasebo Naval Base result in demonstrations and considerable trouble for local authorities. American military installations in Japan have also contributed to anti-American feelings. A good number of the almost 150 installations are located in the densely populated Kanto Plain surrounding Tokyo and Yokohama, and the largest air bases in particular have created problems of land use, noise incidents and accidents. We have only to recall the difficulties which have accompanied the presence of U.S. bases in Okinawa and the Ryukyu Islands to predict the consequences of retaining a U.S. presence in Japan itself. Former Ambassador to Japan, Edwin O. Reischauer who, I might add, is both one of the Nation's greatest authorities on the Japanese people and a fluent speaker and reader of the Japanese language—how many of our ambassadors, past or present, can make that statement?—had recommended as early as 1956 that U.S. troops be removed. In his extremely knowledgeable book, "The United States and Japan," he said:

> The main defense of Japan is our military guarantee of the islands rather than our forces there, and consequently no great military establishment is necessary. And as the Japanese gradually restore their own defenses, we can reduce the size of ours. It seems probably that we can withdraw our

ground forces entirely within a year or two, and in time our naval and air forces in Japan can also be reduced and eventually eliminated entirely.

Mr. President, almost 15 years later, we still maintain a military force there far in excess of the necessary minimum. Mr. Reischauer also comments:

The Japanese are naturally sensitive about their equalities of their partnership with us. Influence seems to extend only in one direction.

It is precisely the one-sided nature of this relationship that I wish to protest. We have provided the Japanese with over two decades of freedom from external threats to the security, which they have used, as did the Western Europeans before them, to spectacularly increase their economic potential, and in exchange we have received primarily base privileges, which are by no means indispensable and probably an overall liability.

We have acquiesced in the development of a Japanese conventional force, but we have not given them any specific guidance as to how they might help share our burden. A Japanese Defense Agency official recently demonstrated his uncertainty by commenting:

It seems that the Pentagon wants us to play the infield while you (Americans) play the outfield against the Chinese.

Mr. President, whatever this appraisal lacks in sophistication, it makes up for in commonsense. We should cease attempting to cover the entire playing field in Asia and require the Japanese, who may soon be our economic equals, to shoulder some of the defense costs now unfairly assumed by the American taxpayer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio may have 10 additional minutes.

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

LET THERE BE NO MORE HAMBURGER HILLS

Mr. YOUNG of Ohio. Mr. President, Gen. Melvin Zais was the commander who directed the unnecessary military attack on Hamburger Hill. This general evidently never studied the tactics of Gen. Robert E. Lee at Chancellorsville. He certainly never profited by the horrible example of General Burnside in his futile frontal attacks with his Union Army, far superior in number to the forces of Generals Lee and Jackson. His was a disastrous frontal attack, first under heavy fire across the Rappahannock River and then a futile frontal attack up Marye's Heights where the Confederate forces were entrenched. President Lincoln fired him. Gen. Melvin Zais was promoted.

General Zais was serving his second tour of duty in Vietnam when he ordered the disastrous frontal attack on Hamburger Hill. Under his orders our soldiers made 10 different frontal assaults on Hamburger Hill, sustaining terrible losses. Each time they were driven back by the firing of the defenders at the top of the hill, with terrible casualties, and finally, on the 10th assault, they went over the top and the few remaining VC who had been defending either escaped or were killed.

Apparently, it never occurred to this General that with his superior forces he should have attacked at the front and from the side simultaneously or that he should have encircled the small force defending Hamburger Hill. He simply directed from his rear position nine unsuccessfully attempted frontal assaults and finally directed the 10th frontal, which at last won Hamburger Hill.

Incidentally, directly after that, Hamburger Hill was abandoned as being of no importance whatever militarily. General Zais, at a dinner party in the Shoreham Hotel shortly before he returned to Vietnam for a second tour of duty, was asked why he had volunteered to return so soon to duty there. He replied:

Our Johnny Johnson (Chief of Staff at the time) has offered me command of the 101st Airborne and if I am going to get a third star, I've got to have command of a combat division.

So the General got his third star after the Hamburger Hill frontal assault which resulted in the death in combat of 50 young Americans and the maiming of more than 300 other GI's.

It is said that some months afterward General Zais himself said that Hamburger Hill, so-called, had no military significance. General Zais, however, following receiving his reward for directing his men to capture Hamburger Hill the hard way by one frontal assault after another, is now the Deputy for Operations of the Joint Chiefs of Staff of our Army. It is my understanding that this top post is the key decisionmaking general's job in the Joint Chiefs of Staff. If so, it seems to me that would require the services of an officer of unquestionable good judgment.

At the Battle of Fredericksburg in December 1862, Gen. Ambrose Burnside, with a superior force, ordered his army to cross the Rappahannock River directly opposite the Confederate sharpshooters deployed in town along the waterfront and opposite the entrenched forces of Lee and Jackson at the top of Marye's Heights. After suffering heavy losses in crossing the Rappahannock, General Burnside ordered his troops at the base of Marye's Heights to make a frontal attack up the hill. Six times his forces were decimated. Six times his forces were driven back to the foot of the hill, regrouped, and on orders again advanced to the top where the forces of Lee and Jackson, inferior in strength but strongly entrenched, repulsed them. Finally he withdrew all the survivors back across the Rappahannock.

President Lincoln fired General Burnside. Confederate General Longstreet termed the Union advance a death march. Union casualties were nearly 10,000, Confederate losses but a small fraction of that.

General Zais outdid Burnside. He ordered 10 suicidal frontal assaults. The 10th succeeded. He was not fired. He was promoted.

It is exactly this rewarding of incompetency, and the hypocrisy in the Armed Forces which permits it to occur, that is disillusioning the young men and officers of our Army. This business of generals promoting themselves and decorating themselves for flying at 2,000 feet over young GI's dying or getting their arms or legs blown off taking hills for no valid military reason, in a war that has no military objective and nothing to do with the defense of our national security, is going to destroy the U.S. Army if it is not stopped.

Mr. President, I do not question the dedication, sincerity, or patriotism of any field grade or general grade officers in our Armed Forces. I do question very seriously the view that what is good for scheming officers seeking rapid promotion is necessarily good for the United States.

It is noteworthy that although President Nixon and other top officials in the Pentagon are prone to point out that approximately 175,000 or more troops have been withdrawn from Vietnam, not one headquarters unit of an army corps or higher headquarters has been pulled out. I believe there are approximately six divisions of our troops in Vietnam so the general commanding a corps headquarters in that area must be commanding but one division or perhaps no division whatever. This is the same type of organization set up that we unfortunately continued to tolerate in Europe.

Recently when I was in Berlin I learned that although tensions have greatly lessened and there is an absence of any threat of aggression against Berlin, and those Senators who had previously in years past been in Berlin, as I had been, noted the change for the better from 1963 to the present time. Yet in Berlin we have more men in our Armed Forces than before. The total is 7,500 officers and men. This includes many, many generals. Of this 7,500 approximately 2,000 could be termed combat men to whom would be assigned the mission of firing at the enemy in event of attack.

It is noteworthy, also, that the Armed Forces of the United Kingdom and of France, in Berlin as long as our forces have been, are greatly reduced, the total being approximately 2,000 for the forces of the United Kingdom and 1,500 for France.

SENATOR FULBRIGHT'S WISE WORDS

Mr. YOUNG of Ohio. Mr. President, recently the Saturday Review published in its November 7 issue, a most constructive article by the chairman of the Senate Foreign Relations Committee, the distinguished and eloquent Senator from Arkansas (Mr. FULBRIGHT). Its main thrust concerns the perils of militarism, a philosophy which poses a distinct threat to our democracy.

Senator FULBRIGHT's article makes the important point that, as our country continues to be at war and continues to neglect domestic problems, militarism will surely increase. One sign of this growing phenomenon is the ever-increasing tendency to suggest military solutions to foreign policy problems. In

the case of Cambodia, the President accepted military and not State Department advice in forming his decision to invade that country.

In the case of the repatriation of our prisoners of war, the President's first public action was a military one, a poorly planned and ill-advised commando raid on an empty prison camp, rather than the logical diplomatic solution, the opening of official negotiations for an exchange of prisoners. I have previously suggested to President Nixon that he offer to exchange the 36,000 Vietcong prisoners held by the South Vietnamese for the 1,000 U.S. servicemen believed held in North Vietnam.

The President has succumbed to pressures for a "military" solution, with disastrous results.

As Senator FULBRIGHT further points out, another consequence of the militarism in our society is the harm done to our moral values and our sensitivity. He cites the reaction of many people in this country to the My Lai massacre and the lack of recognition of any wrongdoing or criminal act in the alleged massacre.

I have seen this same attitude in my home State of Ohio, where Governor Rhodes has chosen a militaristic solution to student dissent—and four Kent State University students were murdered in cold blood by Ohio National Guardsmen. One of the special prosecutors conducting a whitewash of the incident, Portage County Republican executive committee chairman Seabury Ford, even expressed the opinion that the National Guard "should have shot all the troublemakers."

Such jingoism and a predisposition toward the use of coercion are the unwelcome byproducts of this growing philosophy of militarism, so accurately depicted in this article.

Mr. President, Senator FULBRIGHT is a great scholar, a great patriot, and a distinguished American. He deserves great praise for this fine article which I recommend to all my colleagues in this Chamber. At this time, I ask unanimous consent that this article be inserted in the RECORD at this point as part of my remarks.

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

THE GOVERNANCE OF THE PENTAGON

(By J. WILLIAM FULBRIGHT)

Although I cannot conceive of a single top-ranking officer in any of the U.S. armed services who would consider an attempt to overturn our Constitutional government—in the manner of *Seven Days in May* fiction—militarism as a philosophy poses a distinct threat to our democracy. At the minimum, it represents a dangerously constricted but highly influential point of view when focused on our foreign relations. It is a viewpoint that by its nature takes little account of political and moral complexities, even less of social and economical factors, and almost no account of human and psychological considerations.

Rarely does a general officer invoke the higher loyalty of patriotism—his own concept of it, that is—over loyalty to civilian political authority, as Douglas MacArthur did in his defiance of President Truman. But if, as time goes on, our country continues to be chronically at war, continues to neglect domestic problems, and continues to have unrest in its cities and on its campuses, then militarism will surely increase. And even if the military do not take over the government directly, they could—because of increasing use in domestic crises—come to acquire power comparable to that of the German General Staff in the years before World War I. I hope this never comes to pass. It may not seem likely now, but it is by no means so inconceivable that we need not warn against it and act to prevent it.

I have often warned those students who talk of the need to revise our system by revolution that if such a revolution were to take place, the government that would emerge for our country would not be the one they seek. Rather it would be authoritarian and controlled by the very forces who today promote military solutions to foreign policy problems.

The leadership of professional military officer corps stems from a few thousand high-ranking officers, whose unusual ability and energy come to single-mindedness. Marked as men of talents by their rise to the highest ranks through the rigorous competitiveness of the military services, they bring to bear a strength in conviction and a near unanimity of outlook that afford them an influence on public policy, in government councils and in Congress, disproportionate to their numbers. Disciplined and loyal to their respective services, with added prestige derived from heroic combat records, they operate with an efficiency not often found among civilian officials.

The danger to public policy arises from civilian authorities' adopting the narrowness of outlook of professional soldiers—an outlook restricted by training and experience to the use of force. As we have developed into a society whose most prominent business is violence, one of the leading professions inevitably is soldiering. Since they are the professionals, and civilian bureaucrats refuse to challenge them, the military have become ardent and effective competitors for power in American society.

The services vie with one another for funds, for the control of weapons systems, and for the privilege of being "first to fight." Constantly improving their techniques for rapid deployment, they not only yearn to try them out but when opportunities arise they press their proposals on civilian authorities. The latter all too often are tempted by the seemingly quick "surgical" course of action proposed by the military in preference to the long and wearisome methods of diplomacy. For a variety of reasons—from believing it to be the only possible course of action in the national interest to testing equipment and techniques of counterinsurgency, or just to avoid the disgrace of being "left out"—all the military services were enthusiastic about our initial involvement in Vietnam. By now they should have had their fill, but they still push on, trying out new weapons and new strategies—such as "destroying sanctuaries" in Cambodia.

The root cause of militarism is war, and as long as we have the one we will be menaced by the other. The best defense against militarism is peace; the next best thing is the vigorous practice of democracy. The dissent against our government's action in Southeast Asia, the opposition to the ABM and MIRV, and the increased willingness of many in the Congress to do something about the hitherto sacrosanct military budget are all encouraging signs that democracy is being practiced. But there is much in American policy these days that is discouraging.

There seems to be a lack of concern among too many people about the state of the nation, and a too easy acceptance of policies and actions of a kind that a generation ago would have appalled the citizenry. The apparent broad acceptance of the "volunteer army" idea comes to mind—a concept completely at variance with our historic development. Up to now, a blessing of our system has been that those who go into the military service, whether by enlistment or through the draft, could hardly wait to get out. (Despite attractive re-enlistment bonuses, the Army's rate of retention in 1969 of men finishing their first term was 14.6 per cent for volunteers and 7.4 per cent for draftees.) But today, because of the exigencies of the times, there is a chance that we may turn our back on this fundamental principle. A large, standing professional army has no place in this Republic.

Along with promoting militarism as part of our society, the mindless violence of war has eaten away at our moral values and at our sensitivity. Reporters covering the domestic aspects of the Mylai massacre story in the home area of Lt. William Calley were surprised to find loud support for the accused—not sympathy, which might be expected, but support. Among these people, there seemed to be no recognition of a possible wrongdoing or criminal act in the alleged massacre.

Beyond the discouragements—and even such disturbing events as the Cambodian adventure and our activities in Thailand and Laos—one has to hope, with reason drawn from our nation's history, that the traditional workings of our system and the innate common sense of Americans will prevail. The task certainly is not going to be easy. We have been so stunned, almost desensitized—like Lieutenant Calley's supporters—by what has gone on during the recent past that it is almost possible to turn to total pessimism. History did not prepare the American people for the imperial role in which we find ourselves, and we are paying a moral price for it. From the time of the framing of our Constitution to the two world wars, our experience and values—if not our uniform practice—conditioned us not for the unilateral exercise of power but for the placing of limits upon it. Perhaps it was vanity, but we supposed that we could be an example to the rest of the world—an example of rationality and restraint.

Our practice has not lived up to that ideal, but, from the earliest days of the republic, the ideal has retained its hold upon us, and every time we have acted inconsistently with it—not just in Vietnam and Cambodia—a hue and cry of opposition has arisen. When the United States invaded Mexico, two former presidents and a future one—John Quincy Adams, Van Buren, and Lincoln—denounced the war as violating American principles. Adams, the senior of them, is said to have even expressed the hope that General Taylor's officers would resign and his men desert. When the United States fought a war with Spain and then suppressed the patriotic resistance of the Philippines, the ranks of opposition numbered two former presidents—Harrison and Cleveland—Senators and Congressmen, including the Speaker of the House of Representatives, and such distinguished—and differing—individuals as Andrew Carnegie and Samuel Gompers.

The incongruity between our old values and the new unilateral power we wield has greatly troubled the American people. It has much to do, I suspect, with the current student rebellion. Like a human body reacting against a transplanted organ, our body politic is reacting against the alien values that, in the name of security, have been grafted upon it. We cannot, and dare not, divest ourselves of power, but we have a choice as to how we will use it. We can try to ride out the current convulsion in our society and adapt ourselves to a new role as the world's nuclear vigilante. Or we can try to adapt our power to our traditional values, never allowing it to become more than a means toward domestic societal ends, while seeking every opportunity to discipline it within an international community.

It is not going to help us to reach these ends to have a President fearful that we are

going to be "humiliated," nor for him to turn to the military as a prime source of advice on foreign affairs. In the case of Cambodia, the President accepted military advice during the decision-making process apparently in preference to that of the Department of State, thereby turning to an initial military solution rather than a diplomatic or political one. Of course, the Senate was not consulted.

At one time, the treaty power of the Senate was regarded as the only Constitutional means of making a significant foreign commitment, while Executive agreements in foreign affairs were confined to matters of routine. Today, the treaty has been reduced to only one of a number of methods of entering binding foreign engagements. In current practice the term "commitment" is used less often to refer to obligations deriving from treaties than to those deriving from Executive agreements and even simple, sometimes casual declarations.

Thailand provides an interesting illustration. Under the SEATO alliance, the United States has only two specific obligations to Thailand: to act "in accordance with its Constitutional processes" in the event that Thailand is overtly attacked, and to "consult immediately" with the other SEATO allies should Thailand be threatened by subversion. But the presence of 40,000 American troops, assigned there by the Executive branch acting entirely on its own authority, creates a de facto commitment going far beyond the SEATO agreement, and one that is largely based on military recommendations and desires. On March 6, 1962, Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman issued a joint declaration in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting communist aggression and subversion." Obviously, this goes far beyond the SEATO commitment and omits any reference to Constitutional processes.

An even more striking illustration of the upgrading of a limited agreement into a de facto defense obligation is provided by the series of agreements negotiated over the past sixteen years for the maintenance of U.S. military bases in Spain. Initiated under an Executive agreement in 1953, the agreements were significantly upgraded by a joint declaration issued by Secretary Rusk and Spanish Foreign Minister Castiella in 1963 asserting that a "threat to either country" would be an occasion for each to "take such action as it may consider necessary within its Constitutional processes." In strict Constitutional law, this agreement, whose phrasing closely resembles that of our multilateral security treaties, would be binding on no one excepting Private Citizen Rusk; in fact, it is what might be called the "functional equivalent" of a treaty ratified by the Senate. In 1968, acknowledging even more explicitly the extent of our de facto commitment to Spain, Gen. Earle Wheeler, then chairman of the Joint Chiefs of Staff, acting under instructions from Secretary Rusk, provided Spanish military authorities with a secret memorandum asserting that the presence of American armed forces in Spain constituted a more significant security guarantee than would a written agreement. Again, as with the Thai commitment, strategic military considerations, arrived at by military commanders with the acquiescence of civilian authorities, undoubtedly were the overriding factors in the political decision.

The Department of State is not alone among the agencies of government awed as well as outmanned, outmaneuvered, or simply elbowed aside by Executive military decision-making. The Department of Defense has established a massive bureaucracy, like that in the Department of Commerce, the Atomic Energy Commission, the Department of Health, Education and Welfare, and all the others that protect their positions and interests within the mechanism of governmental power and appropriations.

When war was abhorrent to the American people, the military was considered only as a tool to be used if needed. Today, with our chronic state of war, and with peace becoming the unusual, the military has created for itself an image of a comforting thing to have around. In reality, however, it has become a monster bureaucracy that can grind beneath its wheels the other bureaucracies, whatever their legitimate needs and their prescribed roles within the process of government.

One ominously influential arm of the Defense Department is its military public relations apparatus, which today is selling the administration's Southeast Asian policy, just as it sold the Vietnam policy of the previous administration, with increasing emphasis on patriotic militarism and activity directed against its critics. The enthusiasm and dedication of the purveyors of the hard military line are such that their present course could easily be modified in order to encourage the removal of those in the Congress who question actions of the Executive branch and the growth of military influence.

Considering the normal skepticism of the American citizen, such overt political activity by the military would seem to have small chance of success. But I raise the point, nevertheless; the apparatus exists, and we of the Congress, in another context, have been put on notice that legitimate and even constitutionally required questioning is viewed by some individuals as interference with Executive prerogatives.

It is interesting to compare the American government's only *official* propaganda organization, the U.S. Information Agency, with the Defense Department's apparatus. The USIA is so circumscribed by Congress that it cannot, with the rarest of exceptions, distribute its materials within this country. Since much USIA output is composed of a filtered view of the United States and its policies, such a prohibition is eminently sensible. But the Department of Defense, with more than twice as many people engaged in public relations as the USIA has in all of its posts abroad, operates to distribute its propaganda within this country without control other than that of the Executive branch, and it floods the domestic scene with its special, narrow view of the military establishment and its role in the world.

Of course, the military needs an information program. But it should be one designed to inform, not promote or possibly deceive. There is no need for production of self-promotional films for public consumption. There is no need to fly private citizens about the country to demonstrate to the public our military might. There is no need to send speakers at taxpayers' expense anywhere from Pensacola, Florida, to Portland, Oregon, to address luncheon clubs and veterans organizations. There is no need to set up expensive and elaborate exhibits at state and county fairs. There is no need to take VIPs on pleasant cruises to Hawaii aboard aircraft carriers. There surely is no need for military production of television shows for domestic, commercial use showing "feature" aspects of the Southeast Asian war.

What can be done about the situation?

An obvious answer comes at once to mind: legislation that would again set a ceiling on Defense Department public relations spending. It didn't work before, but perhaps this time it might be possible to require the Defense Department to report on a regular basis to the Congress and to the public on just what it is doing in the "information" field. Such legislation might also eliminate some of the activities that are far outside the military's proper role in our society—such as the "V-Series" films from Southeast Asia and the "educational" programs of the Industrial College of the Armed Forces. It also might require the State Department to enforce strict clearance of films, speeches, and other material involving foreign policy.

The passage of such legislation would be desirable, but only as a step toward limiting the other activities in which the Pentagon is engaged far beyond the true mission assigned to it—that of physically protecting this country.

The real solution to militarism, of course, is rigorous civilian—including Congressional—control of the now largely uncontrolled military establishment. The growth of military influence began in perilous times when an implacable Stalin and world communism constituted a major threat to the noncommunist world recovering from a devastating war. But the growth of real Pentagon political power did not begin until we became increasingly involved in Vietnam seven years ago. Although the Congress these days is looking more coolly at the enormous defense budget than it has in the past, the surgical process of cutting back will be a difficult one—and not popular with many members to whose districts the military-industrial establishment has become of great economic importance.

It may help if the public starts examining carefully attempts by the military to sell them its point of view. The press, radio, and television might look more critically on the military's attempt to influence or use them. Not that the media have been remiss in their responsibilities; in fact, frequently the press has been the only source of accurate information about what is going on in Southeast Asia and throughout the world. But there are some who allow themselves to be seduced by the military with free trips and VIP treatment, and even a few who are not much more than trained seals for the Pentagon. Also, there are editors who are not skeptical enough about the material fed to them by the military. Radio and television, as we have seen, are heavy users of the military's propaganda and public relations output. Perhaps some of their executives should devote more attention to filling their public-service time examining the grave domestic problems besetting the country instead of using "V-Series" films and the Army's *Big Picture*.

Nearly ten years ago I made a speech to the National War College and the Industrial College of the Armed Forces in Washington. I said:

The effectiveness of our armed services depends upon the maintenance of their unique prestige and integrity. These will remain intact only so long as the services adhere to their tradition of nonpolitical professionalism. No group or institution can participate in political debate without itself becoming an object of partisan attack. It is precisely because of its status as a nonpolitical institution that the military in the past has enjoyed the virtually unanimous support of the American people and has thus been beyond partisan assault. . . . It is my hope that the armed services will never yield to misguided temptations, which can only shatter the high esteem in which they are held. The preservation of that esteem is essential to the success of the armed forces in fulfilling their assigned mission and essential also, therefore, to the defense of the Republic.

Since I made that speech in 1961, the military has been dragged into the political arena. President Johnson at one crisis point brought General Westmoreland from Saigon to address a joint session of the Congress, in order to counter critics in the Senate with an honored officer's explanation as a means of selling administration policy. What troubles me today is that some politicians want to make regular use of the military in such a role, and would be loath to give it up.

An indication of the fondness of some in the military for a political role is contained in the "Prize Essay 1970" printed in the

March 1970 issue of *U.S. Naval Institute Proceedings*, a semi-official learned journal on naval affairs published in Annapolis, Maryland. The prize essay, chosen presumably by a group of high-ranking naval officers, is titled "Against All Enemies," and was written by Capt. Robert J. Hanks, USN, commander of a destroyer squadron who earlier had served in the Pentagon. The theme of his essay is that the military must determine the nature and the extent of external threats to our national security, and must also determine the character of our response to them. Captain Hanks also wrote that there are many individuals in the country who want to curb the military, including a fair sampling of the Senate. He names Senators Clifford P. Case and Walter F. Mondale, who have questioned the need for more aircraft carriers, Mike Mansfield and Stuart Symington, who wonder about the size of our troop levels in Europe, Charles E. Goodell, who proposed withdrawal of our troops from Vietnam by December 1, 1970, and myself—people who would in effect, he wrote, "so weaken this nation's defenses as to place the United States in the greatest jeopardy in its history."

Captain Hanks also came to the conclusion that, "while the threat from without remains, we now face an equally potent challenge from within. . . . In concentrating on the main task of the past thirty years—the external threat—some of us may have forgotten that we solemnly swore to support and defend the Constitution of the United States against all enemies, foreign *and domestic.*" (The italics are the captain's.) And that, "If the United States is to be protected against efforts of those who would place her in peril—through apathy, ignorance, or malice—we of the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it."

A real hope in the fight against military influence, I believe, rests with our young. War is abhorrent to them even though it seemingly is not to many of us who have lived with slaughter for the past thirty years and who have made an apparent accommodation to the threat of nuclear destruction. The young remain unpersuaded that man is brought upon this Earth solely to find his way to the grave. There is among them a vigorous affirmation of life, a love of life that is hopeful and adventurous, if not confident of the future. The antilife philosophy of militarism offends their minds and hearts.

An observation so widely cited that it is almost an axiom is that no one hates war more than the professional soldier. I think Alexis de Tocqueville was closer to the mark when he wrote in his *Democracy in America* in 1835:

"All the ambitious minds in a democratic army ardently long for war, because war makes vacancies [for promotion] available and at last allows violations of the rule of seniority, which is the one privilege natural to a democracy. We thus arrive at the strange conclusion that of all armies those which long for war most ardently are the democratic ones, but that of all peoples those most deeply attached to peace are the democratic nations. And the most extraordinary thing about the whole matter is that it is equality which is responsible for both these contradictory results."

Beyond the ambition of which de Tocqueville wrote, there is even more danger to our democracy from the dehumanizing kind of war we are fighting in Indochina. It produces among the military an insensitivity to life hard for the civilian to comprehend. We have fought many wars before, but none since our Revolution has lasted as long as the present one. Officers and noncoms go back to Southeast Asia for second and third tours of duty, to engage in second and third rounds of killing. Such long immersion in violence of the kind peculiar to this war cannot but brutalize many of those who go through it. One example of such brutalization can be found in Seymour M. Hersh's book *Mylai 4: A Report on the Massacre and Its Aftermath:*

One brigade commander ran a contest to celebrate his unit's 10,000th enemy kill. The winning GI received a week's pass to stay in the colonel's personal quarters. Many battalions staged contests among their rifle companies for the highest score in enemy kills, with the winning unit getting additional time for passes.

I can recall nothing during World War II that equals in callousness a statement that Hersh attributes to one colonel, the son of a famous general: "I do like to see the arms and legs fly." Horrifying words, but no more so than "body count," "free-fire zone," and other euphemisms the military use to camouflage their deadly business.

Perhaps there is something in the theory advanced by psychologist Erich Fromm, in his book *The Heart of Man: Its Genius for Good and Evil*, that in men there are polar attitudes toward life: "biophilia" (love of life) and "necrophilia" (love of death). Fromm feels that Spinoza in his *Ethics* epitomized the spirit of the biophile: "'A freeman thinks of death least of all things; and his wisdom is a dedication not of death but of life.'" The necrophile, on the other hand, has values precisely the reverse, for death, not life, excites and satisfies him.

Fromm goes on to say that the necrophile, by extension in modern society, might be labeled *Homo mechanicus* who has more pride in, and is more fascinated by, devices that can kill millions of people across a distance of several thousands of miles within minutes than he is frightened and depressed by the possibility of such mass destruction . . .

If more people became aware of the difference between love of life and love of death, if they became aware that they themselves are already far gone in the direction of indifference or of necrophilia, this shock alone could produce new and healthy reactions. . . . Many might see through the pious rationalizations of the death lovers and change their admiration for them to disgust. Beyond this, our hypothesis would suggest one thing to those concerned with peace and survival: that every effort must be made to weaken the attraction of death and to strengthen the attraction of life. Why not declare that there is only one truly dangerous subversion, the subversion of life? Why do not those who represent the traditions of religion and humanism speak up and say that there is no deadlier sin than love of death and contempt for life?

These are the kinds of questions the young are asking—not only those who demonstrate and dissent but those, too, who go unwillingly aboard the jet aircraft that fly daily from the West Coast to Saigon. A very few young people have resorted to criminal violence, but only a few. The supposition that they represent an entire generation is a hysterical invention of people like Spiro Agnew, people who seem to have lost faith in America. By and large, the young of today are life affirmers; they have new ideas and new perspectives, which warrant our respectful attention.

However, the task of strentghening the "attraction of life," the core of the American optimism that built this country, is in the hands of those no longer young. It is my generation who must halt, and then turn back the incursions the military have made in our *civilian* system. These incursions have subverted or muffled civilian voices within the Executive branch, weakened the Constitutional role and responsibility of the Con psychological burden that could be disagress, and laid on the public an economic and trous.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the quorum call be without prejudice to the Senators from Florida, under the order of yesterday.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHURCH. Mr. President, the——

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

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that any intervening statements on morning business prior to 11:30 a.m. be without prejudice to the rights of Senators under the order of yesterday.

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

U.S. POLICY IN THE CARIBBEAN

Mr. CHURCH. Mr. President, the countries of the Caribbean are vitally important to the United States, more so, in fact, than many other parts of the world on which we have lavished far more attention and money. It is thus important for our country to recognize the way problems are developing—cultural and economic nationalism, rising unemployment, and growing Soviet activities—in both the Spanish-speaking Caribbean and the English-speaking Caribbean.

In a recent speech before an American assembly conference on the Caribbean, at Arden House in New York, I discussed the course events are taking and the implications for American policy. I suggested several ways for our policymakers to respond to the changing tide.

First, in regard to Cuba, I believe it is time to reassess our policy toward that island by taking modest, tentative steps which would require no response from Castro. As I said in my speech:

> For it is clear that Castro is here to stay. Eventually, the Hemisphere and a Castro-molded Cuba will come to terms. How this will come about or what form Cuban society will eventually take, when its revolutionary spasms subside, I do not know. But I cannot understand why the United States, by continuing to follow a rigid and inflexible policy toward Cuba, should continue to provide Castro with so convenient a scapegoat for the managerial incompetence of his own regime. Why not take some tentative steps and see what happens?

Second, because the Caribbean area is so close to us, it has a valid claim for our special attention, especially economically. Due to the size of the island countries, smallness offers an exceptional opportunity to get unusual wide ranging

results from well-designed economic assistance programs. However, aid is not enough. We need to reshape our trade and investment policies, too. For instance:

We need to look for investment opportunities which are more labor intensive. Small agricultural processing plants are perhaps one example, not only for the jobs they would provide themselves but also for the farm labor which would be required to produce the raw materials. Progress in this direction presupposes easier entry of the processed products into the U.S. market and also local government policies designed to reorganize Caribbean agriculture.

American business needs to respond to economic nationalism. Governments in the Caribbean, indeed throughout Latin America, are feeling more and more pressure to move to the left, and many are doing so.

Business has two choices: it can either come to terms with economic nationalism or try to fight it. Fighting is more likely to accelerate it than to halt it, or even to slow it. On the other hand, a reasonable effort to come to terms has a very good chance, as things now stand. New arrangements will not be as satisfactory to foreign companies, especially in the extractive industries, as are their current arrangements. But more can probably be salvaged in the long run by giving up something in the short run—graciously in timely fashion.

Finally, there is the broader interest which is fundamental to U.S. policy and that is the political aspect. In the final analysis, American strategic and economic interests are dependent on political factors. One of the causes of political instability in the Caribbean is the widespread notion among ruling elites that in extremis the United States, because of our "send-the-marines" reflex, will step in to save oligarchic governments from violent overthrow. This only leads to dependency and irresponsibility in the basic sense of refusing to face and to solve the tough problems.

In summary, Mr. President, there ought to be a special relationship between the United States and the Caribbean, a relationship founded on a special priority for the Caribbean in American aid programs and American policymaking, coupled with a scrupulous respect for the right of the Caribbean countries to work out their own problems in their own ways. Such a charted course for the United States in the 1970's, I think would offer the best hope of steering us through the rough water ahead into calmer bays.

I ask unanimous consent that the full text of my address be printed here in the RECORD.

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

U.S. POLICY IN THE CARIBBEAN

(An address by Senator FRANK CHURCH)

The first thing to do in discussing the Caribbean is to define the area we are talking about. I am going to limit myself to the islands of the Caribbean proper plus the Bahamas, which are really in the Atlantic, and Guyana, which is a part of the South American mainland. I exclude the French and Dutch possessions and the remaining British colonies on the grounds that, as of now, it would be inappropriate for the United States to develop a policy toward them.

This definition is admittedly based more on political than on geographic logic, but it still does not leave us with a homogeneous area. Each country, of course, has its own unique characteristics, but there are especially great differences between two major groups. For convenience, I will label them the Latin American Caribbean—that is, Cuba, Haiti, and the Dominican Republic—and the English-speaking Caribbean, which embraces the rest of the countries and territories I am talking about.

One big difference between the Latin American and the English-speaking Caribbeans is political and has deep historic roots. The Latin American Caribbean has been plagued throughout its independent history by alternating periods of political turbulence and the kind of graveyard order imposed by dictators. The English-speaking, or the Commonwealth, Caribbean by contrast has been blessed with relative stability thanks mainly to its British political heritage which gave it, well before independence, a set of broadly-based political institutions and experience in making them work. A most important question concerning the future of the Commonwealth Caribbean is whether these institutions are capable of dealing with the area's severe socio-economic problems.

By far, the most pressing of these problems in both the Commonwealth and the Latin American Caribbeans is unemployment.

This is endemic throughout the area, and it differs from one country to another only in degree. Depending on the source and the country, estimates of unemployment range from 15 to 25 percent of the labor force. The upper figure is almost certainly closer to the truth, and even that understates the magnitude of the problem because it takes no account of widespread underemployment. Both unemployment and underemployment are heavily concentrated among persons under 25 and are getting worse rather than better. More young people are reaching working age than jobs are being furnished.

It is not surprising that this situation is characterized by a growing economic nationalism and a general movement to the left on the political spectrum. The black power movement is one of the manifestations of this, but black power also has cultural and racial themes which make it difficult for white foreigners to fully comprehend. A part of it in the Commonwealth Caribbean is also an element of disillusionment with independence which is seen as having done little to improve everyday life.

The decade of the 1960's also saw not only a reduction in British influence in the Caribbean, but also the establishment for the first time of Soviet influence.

These developments raise new questions about United States foreign policy in the Caribbean, and it is most timely that this policy is being re-examined.

The United States has a number of national interests in the Caribbean—historic, strategic, economic, and political. A century ago President Grant even advocated statehood for the Dominican Republic—a proposal which was wisely rejected by the Senate. The historic interest of the United States in the Caribbean stems, of course, from its geographical proximity. The Caribbean controls the passages between the east and gulf coasts of the United States as well as the passage between each of those coasts and South America. The islands of the Caribbean lie athwart the Atlantic approaches to the Panama Canal. More recently, the Caribbean has become the source of strategic and critical materials, principally bauxite and petroleum.

American private investment in the Caribbean amounts to about $3.5 billion, and American trade with the area is approximately $1.2 billion a year, including both imports and exports. The Caribbean is visited each year by growing numbers of American tourists—approximately one million going to the Bahamas alone and about 400,000 to Jamaica.

Finally, the United States has territories of its own in the Caribbean—the Commonwealth of Puerto Rico and the Virgin Islands—and navy and air force facilities in Cuba, the Bahamas, Barbados, and Trinidad.

At a minimum, the objectives of American foreign policy should be to protect these national interests and, at a maximum, to promote them. But all of the interests are not of equal importance; indeed, in certain circumstances some of them may well conflict with one another. In these cases, the trick of foreign policy is to strike a balance between how much of some are sacrificed for the sake of others. If all of our interests are to be kept in proper balance and perspective, they need to be reassessed at frequent intervals in the light of changing conditions.

Let us consider, first, our strategic interest. The Caribbean is fundamental to our national security, though not quite in the same way as in the days of Theodore Roosevelt and Admiral Mahan. In those days, the undeniable necessity to insure free U.S. passage through the waters of the Caribbean (today we could add, through the air space over it, as well) was held to require the exclusion of a potentially hostile presence. Further, the defense of the Panama Canal and the Gulf of Mexico required U.S. bases in the islands of the Caribbean from which a hostile fleet could be intercepted while still far out at sea.

Today, the defense of Panama and the Gulf of Mexico must be viewed quite differently. One can no longer imagine a hostile fleet steaming in to conduct an offshore bombardment followed by the landing of troops. One can imagine a missile attack from hostile submarines. This raises an entirely different question to which I will return in a moment.

We no longer need to regard the Caribbean as an American lake in order to protect our strategic interest. It is just as well that this is so, because the growing nationalism in the area makes it impractical for us to treat the area as an American lake, anyway.

After years of accepting as an article of faith the proposition that we could not afford to tolerate a hostile foreign-dominated regime in the Caribbean, we have—except for the aberration of the Bay of Pigs—tolerated such a regime in Cuba. Not, to be sure, with serenity, but tolerated it nonetheless. We have drawn the line—properly, in my opinion—only at the establishment in Cuba of Russian military facilities which would have sharply changed the world balance of power and posed a clear and present danger to the United States.

This was the situation created by the introduction of Soviet intermediate range ballistic missiles into Cuba in 1962. We may have to face such a crisis again. I have been bewildered, as I am sure many of you have been, by the on-again-off-again statements emanating from the United States Government in recent weeks, some of them from anonymous sources, as to whether the Soviets may or may not be building a submarine base in Cuba. The evidence which the State and Defense Departments have been willing to present to the Senate Subcommittee on Western Hemisphere Affairs is pretty flimsy; and after the initial statement on the subject from the White House, both the State and Defense Departments seem to have all but dropped the charges.

Nevertheless, the matter is of sufficient import not to be dismissed out of hand. If the Soviets are building—or if at some future

time they do build—a submarine base in Cuba, we will have to judge the situation on the basis of all the hard intelligence we can get, from the point of view of the criteria applied at the time of the missile crisis—namely, does it sharply change the world balance of power and does it pose a clear and present danger to the United States? Applying these criteria to a Soviet submarine base would involve more questions of judgment than was the case during the missile crisis.

This is so, because at the time of the missile crisis the Soviets did not have many long-range ballistic missiles capable of reaching the United States and the introduction of shorter range missiles in Cuba sharply altered the strategic picture. Today, however, Soviet missile submarines regularly patrol the western Atlantic and even penetrate the Caribbean and the Gulf of Mexico from bases in the Soviet Union. A Russian submarine base in Cuba would make these patrols shorter, as our forward submarine bases in Scotland and Spain do for us. The real question would be whether such a Soviet base would dangerously enlarge the Russian capability of striking the United States in an all-out missile attack. If so, it would be a matter of the utmost gravity.

While on the subject of Cuba, let me interject to say that I think the time has come for a re-assessment of U.S. policy toward that island. I do not suggest any dramatic initiatives, which Castro would almost certainly rebuff in any case. *But I do suggest some modest, tentative steps which would require no response from Castro.* The first and most obvious of these is to relax restrictions on the travel of American citizens to Cuba. Surely it is an absurdity that an American can get his passport validated for travel to Communist China easier than for travel to Cuba. We might also begin some quiet consultations with other members of the OAS to measure sentiment for modifying existing hemispheric policy toward Cuba. It is my guess that the desire for a partial relaxation in relations is growing, in which event it would be prudent for the United States to test the waters now, rather than risk getting doused later.

For it is clear that Castro is here to stay. Eventually, the hemisphere and a Castro-molded Cuba will come to terms. How this will come about or what form Cuban society will eventually take when its revolutionary spasms subside, I do not know. But I cannot understand why the United States, by continuing to follow a rigid and inflexible policy toward Cuba, should continue to provide Castro with so convenient a scapegoat for the managerial incompetence of his own regime. Why not take some tentative steps and see what happens?

We do not have to commit ourselves on how far we shall go down the road before we take the first step. If that first step leads to a second and then to a third, fine. If at any point we feel our interests disserved, we can always stop the process.

The steps I suggest are extremely modest. Indeed, they might strike many people as much too timid. Nevertheless, they will strike the State Department as heresy, and this is really the kernel of my argument. I am not advocating a change in Cuban policy so much as I am advocating a change in attitudes toward Cuban policy. In the jargon of my children, we are too uptight about Cuba. We ought to cool it.

Let me turn now to our economic interests in the Caribbean. As I indicated earlier, our trade with the area is substantial and our private investment there is even greater. If these are to flourish, our economic interests have to be viewed in broader terms which take into account the felt interests of the Caribbean islands as well.

One of the many pecularities of our foreign aid program is that while we have lavished billions of dollars on continent-sized countries, like India and Brazil, which are so big that any amount of aid has only the slightest impact, we have actually managed in certain smaller countries, like Taiwan and South Korea, to perform miracles. I am led to conclude that in the Caribbean our aid programs, if well designed, could accomplish a great deal. But our attitude toward the Caribbean has really been one of indifference except in times of crisis when we have intervened and taken charge with troops, with money, or with both. This is the worst of policies. Aside from the political liabilities resulting from military intervention, it means that the money is wasted in crash programs. All of this could be avoided, and at much cheaper cost, by sensible programs undertaken in good time.

Because it is so close to us, the Caribbean does, it seems to me, have a valid claim for our special attention. Because its units are so small, they do offer an exceptional opportunity to get results. Seizing this opportunity would be one way—and a very promising way—of showing our continuing interest and concern.

But aid is not enough. We need to reexamine our trade and investment policies. Most of the islands of the Caribbean do not really have very much to sell and are thus hit particularly hard by U.S. restrictions on imports. Depending on the terms of Britain's entry into the European Common Market, the Commonwealth Caribbean could suddenly fall heir to an especially acute trade problem. Population problems are also severe, the U.S. can help on both fronts. With respect to population control programs, of course, the initiative has to come from the Caribbeans.

Investment raises a host of issues, many of them beyond the immediate realm of Government policy. The Caribbean desperately needs investment to create employment, but most investment these days is based on expensive labor-saving technology which does not provide many jobs. The most conspicuous exception is tourism, but in the Caribbean context tourism has a political backlash in that it tends to perpetuate the image of the rich white master—poor black servant relationship. This is ready-made for exploitation by the growing black power movement.

We need to look for investment opportunities which are more labor intensive. Small agricultural processing plants are perhaps one example, not only for the jobs they would provide themselves but also for the farm labor which would be required to produce the raw materials. Progress in this direction presupposes easier entry of the processed products into the U.S. market and also local government policies designed to reorganize Caribbean agriculture.

The biggest problem that investment, especially foreign investment, faces in the Caribbean, however, is the growing economic nationalism. This is, as I see it, the dominant political fact in the area. It is going to make the next few years a rough passage for business in general and for foreign business in particular. Governments feel under pressure to move to the left, and in one way or another, many are doing so.

This is mainly a problem for American business investors but indirectly for the American government as well. Business has two choices: It can either come to terms with economic nationalism or try to fight it. Fighting is more likely to accelerate it than to halt it, or even to slow it. On the other hand, a reasonable effort to come to terms has a very good chance, as things now stand. New arrangements will not be as satisfactory to foreign companies, especially in the extractive industries, as are their current arrangements. But more can probably be salvaged in the long run by giving up something in the short run—graciously in timely fashion.

I have dealt with the strategic and economic interest of the United States in the Caribbean, but there is a broader interest which is fundamental to U.S. policy and that is the political aspect. In the final analysis, our strategic and economic interests are dependent on political factors.

The intrusion of the Soviet Union into the Caribbean is essentially the result of the political collapse of pre-Castro Cuba. The American intervention in the Dominican Republic, mistaken though I believe it to be, was occasioned by political chaos.

More political breakdowns threaten. There is scarcely a country where we would not do wel to keep our fingers crossed. If this happens—perhaps I should say when it happens—I hope we will show greater restraint than we have in the past. There should be no American military intervention except when the security of the United States is directly threatened, as was the case in the missile crisis. If we make that position clear and credible, we will reduce the possibilities of such situations arising. One of the causes of political instability in the Caribbean is the widespread notion among ruling elites that in extremis the United States will step in and save the governments from violent overthrow. This leads to irresponsibility in the basic sense of refusing to face the tough problems and of avoiding the consequences of that refusal.

The send-the-marines reflex is only one aspect of the broader problem of intervention. Much more difficult to deal with are the subtler forms. This is especially so in the Caribbean because of the enormous disparity in size, wealth, and power between the United States and the island countries. The American presence is overwhelming, whether we like it or not, and there is very little we can do about it.

We are inevitably identified with the political factions with which we deal. Who the American Ambassador sees becomes an immediate topic of political gossip and is given a significance which it rarely deserves. Our support—psychological, economic, or both—is sought and capitalized on. When we encourage this, when we fail to hold ourselves at arm's length, we really give those we embrace power over us, because they soon conclude that the U.S. commitment to them is in their control—that we have nowhere else to go. The remedy for this, if there is one, is to avoid the appearance of support in the first place—to avoid, in other words, too close an identification with any particular government or opposition group.

It is one of the Caribbean's many paradoxes that politicians both seek U.S. approval and ride the tide of economic nationalism. Nationalism inherently contains elements of xenophobia, and these are principally directed against the United States, Canada, and the United Kingdom as the most prominent outside powers in the Caribbean. (The Soviet Union in Cuba may eventually fall victim to the same phenomenon.) In the case of the Anglo-Saxon powers, the matter is complicated by racism.

I think, therefore, that we have to expect a period of political turbulence in the Caribbean accompanied by growing anti-Americanism. The best way to deal with this is to ride it out while implementing our long-term policies as unobtrusively as possible.

The Caribbean is important to us—more so than some other parts of the world on which we have lavished far more attention and money. Yet, except for periods of crisis when we have usually over-reacted, we have neglected the Caribbean far too long. This neglect ought to stop. There are natural gravitational pulls between the Caribbean and the United States which we sought to seize upon, not in terms of creating a 19th century sphere of influence but in terms of two-way trade and travel.

There ought to be a special relationship

between the United States and the Caribbean, a relationship founded on a special priority for the Caribbean in U.S. aid programs and in U.S. policy-making, coupled with a scrupulous respect for the right of the Caribbeans to work out their own problems in their own ways. Such a charted course, I think, would offer the best hope of steering us through the rough water ahead into calmer bays.

ORDER OF BUSINESS

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

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

CAPE CANAVERAL-CAPE KENNEDY

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Florida (Mr. GURNEY) is recognized for 30 minutes.

Mr. GURNEY. Mr. President, the senior Senator from Florida (Mr. HOLLAND) and I have reserved an hour today to talk about a matter important to each of us personally and especially to the entire State of Florida, which we represent here in the U.S. Senate.

In the first session of this Congress we introduced a joint resolution (S.J. Res. 133) which provided for the change of the name of Cape Kennedy, a geographical point in central Florida, where the space program of this Nation is conducted, back to the original name of Cape Canaveral, which had been used for several hundred years. At the time we introduced this resolution, we both discussed on the floor and before the Interior Committee's subcommittee the very substantial reasons which compelled us to such a course. We stated then—and this is still our intention—that the purpose of our resolution was to restore the historic name of Cape Canaveral.

For 6 years, Mr. President, I represented Florida's Fifth Congressional District in the House of Representatives. My old district included the cape and I still reside in the district where the cape is located. I think I know the sentiments of the residents of the area concerning the name change; they are very much, almost overwhelmingly, in favor of it.

Last year, the Gannett newspapers ran a poll in the area. It showed that more than 92 percent of those polled favored the restoration of the name Cape Canaveral. The Florida Legislature last year passed a unanimous resolution favoring the restoration of the historic name of Cape Canaveral.

Mr. President, this was not a partisan matter—it transcends partisan politics. It is a matter of undoing a wrong.

In December 1963, the Board of Geographic Names of the Department of Interior issued bulletin No. 6303 formally designating the geographic area which for 400 years had been known as Cape Canaveral as Cape Kennedy.

The Board apparently was taking upon itself to decide, without hearings, without reference to the wishes of the residents, the future name of this historic land mass.

This action, Mr. President, was at best highly irregular and some have charged that it was in fact illegal. The full Board apparently did not meet to discuss the name change and never formally passed upon it as a body. I do not wish to pass judgment as to the legality of that action, but I will comment on its propriety.

I think, in defense of the Board, that perhaps it was laboring under a misconception of the nature of President Johnson's Executive Order No. 11129 of November 29, 1963. That order, issued 1 week after the tragic death of President John F. Kennedy, was intended to and did effectively change the name of the NASA installation to the John F. Kennedy Space Center.

On December 20, 1963, James E. Webb, then Administrator of NASA, designated the launch operations center, NASA, as the John F. Kennedy Space Center in accordance with Executive Order No. 11129.

On January 22, 1964, by special order GA-7, Gen. Curtis LeMay, then Chief of Staff of the Air Force, designated the Cape Canaveral Missile Text Annex, permanent installation No. 1919—referred to in Executive Order 11129 as Station No. 1—as the Air Force Station No. 1 at Cape Kennedy.

These separate redesignations by Mr. Webb and General LeMay were required in order to distinguish the NASA and Air Force facilities which had been erroneously lumped together in the Executive order due, apparently, to the haste in which it was issued.

Shortly after these events, NASA moved the John F. Kennedy Space Center from its location on what had been Cape Canaveral to previously acquired land in the Merritt Island area, where it is located today. The Air Force facility, which was not moved, is now called the Air Force Eastern Test Range Station No. 1 at Cape Kennedy.

President Johnson's Executive order designated only the NASA and the Air Force facilities as the John F. Kennedy Space Center and made no mention of renaming Cape Canaveral, the land area, in a similar fashion. Frankly, I do not think President Johnson ever had the intention of changing the geographic name, but I think the Board of Geographic Names may have mistakenly read that intention and the Executive order.

I want to emphasize, Mr. President, what I have said previously—and I know the distinguished senior Senator from Florida joins me in this regard: It is not our intention in this resolution to detract in any way from the memory of President Kennedy. Our resolution would not in any way affect, change, alter, or disturb the name of the John F. Kennedy Space Center. That name would be untouched. Again, I know that Senator HOLLAND joins me in this sentiment—that is our belief that the name of the John F. Kennedy Space Center is a fitting tribute to President Kennedy's abiding interest in the American space program, in space travel, in excellence in all levels of our national life.

President Kennedy is properly commemorated in the name of the space center itself—and, for myself, I would resist any attempt to change that designation, or to diminish that tribute.

Our resolution does not affect, as I say, the Kennedy Space Center in any way. That remains the same and quite properly should remain the same.

Our resolution goes to the geographic name. It undoes what is, in our judgment, the mistake of the Board of Geographic Names.

Cape Canaveral, Mr. President, is one of the ancient historical names on our continent, indeed in this hemisphere. It has been used for over 400 years. Some historians say it was a site of Ponce de Leon's landing on the mainland of Florida and that the name was originally coined by that explorer. We have records of its use on a map dated 1530. It was a landmark on charts and maps since then.

Some geographers consider that it is the oldest geographical name on the North American Continent. It antedates Roanoke Island and Virginia by more than 50 years; Jamestown by 76 years; Plymouth and Cape Cod in Massachusetts by almost 90 years. It was a known geographic name and point of reference before the interior of North America was explored or even measured. It should not, Mr. President, be lightly or casually discarded, particularly if a new designation or a replacement designation was a mistake.

Mr. President, we know that President Kennedy was a historian of some note and a man who had a deep and abiding respect for history and tradition. I think we can speculate that his sense of tradition and propriety would both have been outraged by the Board of Geographic Name's highhanded and precipitous redesignation of this area, and the obliteration of this historic name. Our resolution, Mr. President, is aimed at putting this mistake right. It is the wish of the vast majority of the citizens of this area.

In sum, Mr. President, we think it is entirely fitting and proper that the NASA and DOD facilities retain the designation of the John F. Kennedy Space Center; we think it is also fitting and proper that the ancient and historic name of Cape Canaveral now be restored to the area it has graced for over 400 years.

That is the case for the change of the name to Cape Canaveral. I should like to point out that this resolution was introduced by the senior Senator from Florida (Mr. HOLLAND) and myself many months ago, in the first session of this Congress. There were ample hearings held before the Committee on Interior and Insular Affairs. There were many witnesses who testified in favor of the name change. There was no one present who opposed it. There was no evidence presented by anyone who was not present to oppose this name change.

I have personally polled all of the Republican members of the Committee on Interior and Insular Affairs, and every one of them is in favor of the name

change, as they have told me personally. Yet for some unknown reason, we cannot get the committee to act on the resolution and report it out, even though both Senators from Florida were for it, all of the people except a very small proportion in that area want it, and the Florida Legislature has unanimously asked for it.

That is why the senior Senator from Florida and I—the senior Senator will be here later—are presenting this case on the Senate floor and to the public, and inquiring why we cannot get this resolution through committee.

I can imagine how any Member of this body might feel about the change of historic names in his particular State. I wonder if anyone would like Cape Cod renamed, for example, up in Massachusetts, or Pike's Peak renamed in Colorado, or the Mississippi, a river that flows through a number of States.

That is the point here. This geographic point in the State of Florida—with the oldest name, as I say, in the United States, and as far as any geographic evidence reveals the oldest on the North American Continent—should be restored to that old historic name of over 400 years ago, Cape Canaveral.

We hope other Senators might generate a little pressure to assist us in accomplishing this job.

I ask unanimous consent to have printed in the RECORD at this time, articles, editorials, and letters to the editor favoring this name change from the following newspapers, on the dates indicated:

The Florida Times-Union, June 11, 1969.

The Clearwater Sun, Sunday, August 3, 1969.

The Orlando Sentinel, August 27, 1969.

The Palm Beach Post-Times, March 16, 1969.

The News-Tribune of Fort Pierce, Fla., August 8, 1969.

The Winterhaven News-Chief, August 31, 1969.

The Key West Citizen, August 10, 1969.

The St. Augustine Record, August 28, 1969.

The Clearwater Sun, July 27, 1969.

The Pensacola News-Journal, August 10, 1969.

The Miami Herald, July 6, 1969.

The Evening Tribune, Cocoa, Fla., May 12, 1969.

The Palm Beach Post, May 22, 1969.

The St. Petersburg Times, July 13, 1969.

The Panama City Herald, August 11, 1969.

The Palm Beach Post-Times, June 1, 1969.

The Ft. Myers News-Press, August 25, 1969.

The Tampa Tribune, August 9, 1969.

The Miami Herald, August 14, 1969.

The Palm Beach Post-Times, June 7, 1969.

The Evening Tribune of Cocoa, Fla., March 20, 1969.

The Tallahassee Democrat, July 1, 1969.

The Palm Beach Times, August 18, 1969.

The same newspaper, March 4, 1969.

The Palatka Daily News, August 20, 1969.

The Sunday Times of Melbourne, Fla., August 10, 1969.

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

[From the Florida Times-Union, June 11, 1969]

RESTORE CANAVERAL'S IDENTITY

The resolution approved by the legislature urging restoration of the name of Cape Canaveral to the geographical area on which the space center is built seeks simply to correct an error committed in an excess of zeal.

The legislature's formal recommendation, which reflected the considered views of a great majority of the people of the affected area, of historians and of public officials, would retain the name of "Cape Kennedy" as it is applied to the space center itself, but would restore the ancient name of Cape Canaveral to the triangular point of land protruding into the Atlantic on the state's east coast on which the space center stands.

It petitioned the President and the Congress to make the change if Sen. Edward Kennedy, brother of the late President for whom the installation was named, agreed.

* * * * *

[From the Clearwater Sun, Aug. 3, 1969]

MOVEMENT GROWS FOR CHANGING CAPE NAME BACK TO CANAVERAL

(By Reinhold Rogers, Jr.)

Last week in this space we commended the Canaveral movement by many Florida citizens to have the ancient geographical name of Cape Canaveral reinstated, with the space center located there to keep the honored name of John F. Kennedy.

Our two Florida senators, veteran Spessard L. Holland and the junior senator, Edward Gurney, have, as we pointed out, introduced Senate Joint Resolution 133, which would restore the Canaveral name through the medium of congressional action. Such action would, as should be recognized, save possible embarrassment to President Richard Nixon, as he would not have to reverse the decision of former President Lyndon B. Johnson, who ordered the double-barrel name change in 1963.

Since last week's editorial here appeared, reaction has been both strong and completely favorable. We urged our readers to write to the two senators in Washington, and to our own Pinellas congressman, William C. Cramer, and give support to the movement to restore the geographical name to the cape itself. The space center with its huge layout, would, of course, keep forever the great Kennedy name.

MOVE APPLAUDED

We have received telephone calls from a number of people in this area applauding the new move, and in a letter from Circuit Court Judge James R. Knott of the Fifteenth Judicial Circuit at West Palm Beach, a former president of the Florida Historical Society, news that copies of last week's editorial here have been sent to Senator Holland and several others interested in the name change.

Judge Knott, as a Floridian and as a Florida historian, is one of the leaders in the state in supporting the congressional action initiated by the two senators in Washington.

Several members of the Pinellas County Historical Commission, which is part of the official county government, have indicated they too favor the restoration, and the commission is expected to take formal action at its meeting later this month.

Also, we have been informed that Sen. Holland has talked personally with Sen. Edward Kennedy about the proposal to keep the geographical name, and that Kennedy and the family would make no objection, since the space center itself would continue to be known as the John F. Kennedy Space center in honor of his brother.

RETENTION URGED

Here at home Mrs. Stephen A. Kallis Sr., of Dunedin, has provided us with particularly interesting correspondence on the subject. In November, 1963 she wrote to President Johnson, Florida's Gov. Farris Bryant, Senators Holland and George Smathers and Congressman Cramer, urging that the Canaveral name be retained for the cape and the Kennedy designation apply only to the space center.

Mrs. Kallis received replies from everyone except President Johnson.

Gov. Bryant wrote that "As a native of Florida I love our history and honor the cultures which have been a part of it. As a citizen of Florida I am glad, too, for the greatness that has come to her in this generation. Hundreds of years ago it was appropriate that the cape be named for a sugar cane field. That, I asume, is what it was. Today the millions who come to Florida find a new frontier of the mind. In a greater degree than any other man, John F. Kennedy symbolized that frontier. I think it appropriate to call it Cape Kennedy."

The governor ended his two-page letter by quoting Shakespeare's lines about "What's in a name. . ."

Sen. Holland explained that he had presented to the Domestic Geographic Names Committee prior to its meeting on Dec. 10, 1963, the many comments he had received from the people of Florida, but that he understood the committee considered the decision made on Nov. 27 and announced by the President on Nov. 28 to be final. The members had been polled by telephone earlier and had approved the President's suggestion on the name change, Holland explained.

STEPS DESCRIBED

Sen. Smathers also described the steps which led to the change, pointing out that the Secretary of the Interior had approved the action of the committee, and that "no approval of Congress is necessary.

The letter from Congressman Cramer, as might be expected from a member of the opposing political party, was more outspoken in his reaction to the name change by President Johnson.

Cramer wrote that he had "raised publicly" the question as to "whether the President has the power to change the name of an area which the federal government does not own, there being some non-governmental property on Cape Canaveral."

The letter also stated that the congressman had questioned the propriety of renaming an historical site. "It appears," the letter said, "that considerable opposition is being raised to this phase of the proposal."

It is good, we say again, to see that the "considerable opposition" of 1963 is finally piling up and that it has high hopes of proving successful. And once more we say, let the people at Washington know your feelings.

[From the Orlando Sentinel, Aug. 27, 1970]

RESTORE ANCIENT NAME

Editor: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and, according to a newspaper poll, is favored by 93 per cent of the people in the cape area.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape

Canaveral, the oldest known landmark on the U.S. Atlantic coast, is to play havoc with historical continuity.

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the Cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to their congressmen by letter or wire, and also communicate with Sen. Henry M. Jackson and Congr. George P. Miller, who are chairmen of the respective Senate and House committees considering the measure.

[From the Fort Pierce News Tribune, Aug. 8, 1969]

VOICE OF THE PEOPLE: URGES SUPPORT OF THE BILL TO RESTORE NAME OF CAPE CANAVERAL

* * * * *

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation by letter or wire.

[From the Winter Haven Daily News-Chief, Aug. 31, 1969]

CAPE CANAVERAL

A growing movement across the state is the one asking for the renaming of Cape Kennedy to Cape Canaveral. The legislation has been entered in both the U.S. House and Senate; now all that remains is for the bill to be reported favorably out of the respective committees. A recent survey of the central east coast area found that 93 per cent of those queried were in favor of restoring the original name to that area. There has been no one who desires to have the name of the John F. Kennedy Space Center changed and this is as it should be. On the other hand there are 400 years of history behind the name of the Cape and it was a hasty move that changed it some five and one-half years ago.

Elsewhere on this page is a Letter to the Editor from James R. Knott, past president, Florida Historical Society. The letter outlines what you as a person can do to see that this historical name is returned to the maps as it should be. We urge you to act now to give this pending legislation a needed boost.

LETTERS TO THE EDITOR

DEAR EDITOR: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and, according to newspaper poll, is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of Cape Hatteras, or the Suwannee River.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make its memorials living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to their Congressmen by letter or wire, and also communicate with Senator Henry M. Jackson and Congressman George P. Miller, who are chairmen of the respective Senate and House committees considering the measure.

[From the Key West Citizen, Aug. 10, 1969]

BACK TO CANAVERAL

EDITOR, THE CITIZEN: Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, and according to newspaper poll is favored by 93 per cent of the people who work and live in the cape area.

It is believed that Cape Canaveral was named by Ponce de Leon in 1513, the year in which he discovered and named Florida. While no one questions the propriety of naming the space center for our late respected President Kennedy, to invalidate a name established by historical documents and maps from the earliest exploration of the Atlantic coast—a matter of 450 years—is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Would he have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation.

[From the St. Augustine Record, Aug. 28, 1969]

RESTORE NAME OF CAPE CANAVERAL

Circuit Judge James R. Knott of the fifteenth judicial circuit, West Palm Beach, Florida, informed this newspaper this past week that he has joined other distinguished Floridians in supporting a resolution now before Congress.

The resolution being considered would restore the name Cape Canaveral to one of our state's oldest landmarks. The proposal has the endorsement of the Florida Historical Society and according to a recent newspaper poll the name change is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida. The name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

Few people are questioning the propriety of naming the giant Space Center for the late President John Kennedy. But to destroy the historical association attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity.

What if Congress in its great wisdom invoked the same principle and changed the name of the Mississippi River or Long Island?

The resolution being considered by Congress would not change the name of the John F. Kennedy Space Center, but would restore the name of Cape Canaveral to the geographical area of the cape.

We support the endeavor of our fellow citizens to the South and urge our Congressmen's support of the change. We also suggest that fellow citizens agreeing with the fight for the return of the proper name to the cape area should take the effort to write or write Senator Henry M. Jackson and Congressman George P. Miller, who are chairmen of the respective Senate and House Committees considering the measure.

[From the Clearwater Sun, July 27, 1969]

MOVE TO RESTORE NAME OF CAPE CANAVERAL GAINING SUPPORT

(By Reinhold Rogers Jr.)

It is good to see that the movement to restore the ancient name of Cape Canaveral to the geographic point of land, and retain the proper designation of John F. Kennedy Space Center for the important facilities there, is gaining both strength and momentum.

On July 10 our two Florida senators at Washington, Spessard Holland and Edward Gurney, introduced a resolution calling for such official action.

The two senators emphasized the fact that their resolution, if enacted into law as they hope, would restore the historical Canaveral name to the geographic cape area, while at the same time assuring that the John F. Kennedy name would be perpetuated for the extensive National Aeronautics and Space Administration and Department of Defense installations there.

Sen. Holland called the original change in name "ill-advised."

* * * * *

Holland also said that he had talked with Sen. Edward Kennedy before introducing the resolution, so that the brother of the former President and the Kennedy family would understand the reasons for making the change.

The importance of having Sen. Kennedy approve the restoration of the Canaveral name was stressed in the Florida Legislature's resolution, which specifically called for Kennedy's agreement prior to formal action, which as the resolution pointed out, would call for President Richard Nixon to notify the Secretary of the Interior that the Board of Geographic Names should be ordered to make the proper changes in designations.

The value and importance of the Canaveral name was emphasized in the Florida Legislature's resolution, which is worth quoting here.

OLDEST KNOWN LANDMARK

"Whereas," the legislature declared, "the name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even the Mississippi River, Cape Hatteras or Cape Cod, a name in use

on maps and charts of world navigation since that time..."

The resolution went on to point out also that "Whereas, our late President, John F. Kennedy, deeply aware of the profound value and significance of the great historic past of the United States of America and untiring in his efforts to make the memorials of that past living and real to every citizen, would not, we believe have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death..."

At the time of the original change in 1963, both the Florida Historical Society and the Pinellas Historical Commission adopted formal resolutions opposing the geographic switch, while approving the name for the space center.

NEW RESOLUTIONS DRAFTED

Now, the state society has moved again in a new resolution to urge the planned restoration of the Canaveral designation in line with the action of Holland and Gurney. Many other historical organizations throughout Florida have followed suit, and the Pinellas Historical Commission is expecting to join in this move.

In addition, the 700-member organization of Missile, Space and Range Pioneers, meeting at Cocoa Beach, has unanimously supported the name restoration. A newspaper poll in Brevard County showed 93 per cent of the citizens there also in favor of the change as proposed.

We suggest that the Pinellas County Commission adopt its own resolution to give our U.S. senators more support in this plan, and we urge Florida citizens everywhere to write the two senators in Washington and add to the demand for the name restoration.

We can be proud of our Florida history (it began, you know, long before Capt. John Smith landed in Virginia and the Pilgrim Fathers stepped ashore at Plymouth Rock) and Cape Canaveral is a valuable part of that history. The geographic designation should be restored, the space center name rededicated to our late President as a permanent honor, especially significant now that the triumph of the moon landing has been so successfully completed.

[From the Pensacola News-Journal, Aug. 10, 1969]

RESTORE CANAVERAL

Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society as well as the vast majority of the people who work and live in the Cape area.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose untimely death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is wrong in principle. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin—or Pensacola Bay.

Ponce de Leon is credited with naming the Cape in 1513, the year in which he discovered and named Florida. The name of Cape Canaveral is so well established in history and on every nautical chart since the earliest days of exploration of our shores that it deserves preservation.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Many believe that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death.

* * * * *

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation.

JAMES R. KNOTT,
Past President, Florida Historical Society, West Palm Beach.

THE PUBLISHER'S NOTEBOOK: CAPE CANAVERAL

We applaud the Tallahassee Democrat's recommendation that the name Cape Canaveral be restored to the area now known as Cape Kennedy.

This could be done while retaining the John F. Kennedy Space Center name for the facilities so designated.

As the Democrat says, "The name Cape Canaveral identifies the oldest, continuously used landmark on Florida's Atlantic coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps."

In fact, Canaveral was on navigation maps before the Mississippi River, Cape Hatteras or Cape Cod.

A concurrent resolution * * * but is conditioned upon approval by the Kennedy family.

Their assent would be a gracious way of preserving the ties of history while continuing to honor the late President.

JOHN S. KNIGHT.

[From the Cocoa Evening Tribune, May 12, 1969]

NAME CHANGE PLEAS GROW

Interest remains high in the Cape Kennedy vs. Cape Canaveral name debate, according to coupons received by The Evening Tribune several months after its What's Your Opinion? poll on the topic closed.

And the replies still give strong support to returning the Cape Canaveral name to the geographical area now known as Cape Kennedy.

The last count of newspaper coupons several months ago showed 92.9 percent wanted the Canaveral name returned. The current tabulation is 91.9 percent, which is one percent lower than the previous percentage.

Members of the Missile, Space and Range Pioneers, Inc., voted 10–1 earlier this spring in support of returning the Canaveral name.

While a vast majority of the coupons received by The Tribune after the last count have come from Brevard, an impressive number came from former residents now living in other parts of the country.

These are from persons living in Washington, D.C., St. Petersburg, Binghamton, N.Y., etc.

This batch of coupons, along with those yet to arrive, will be forwarded to the Florida delegation in Washington. U.S. Rep. Lou Frey and U.S. Sens. Edward J. Gurney and Spessard L. Holland have been looking into the Cape name matter for many weeks. The Tribune poll was conducted to guide these men in their actions.

Here are some of the comments written on poll coupons:

"Americans are often criticized for their lack of culture. This is a very serious question: How can we develop an indigenous culture if mis-guided people sell our birthright down the river? To react by changing the name in the heat of emotion is madness. Anyone who says that this is a mature decision will condone practically all political expediency."

"Geographic names should not be 'tampered' with."

"The name of Cape Kennedy doesn't fit the area."

"Canaveral is more fitting because of historical background."

"Had a vote been taken on this issue in the first place, we would not be doing this now."

"Call the base anything you want, but the geographic location should never have been changed and now needs to be changed back."

"The Cape should not have been changed in the first place. I am in full accord that the KSC was rightly named."

"In our zeal to honor our late President, I think we went too far in changing half the airports, military establishments and half the country."

"President Kennedy was a fine man, but changing the names of historic landmarks is revolting."

"Enough honor and acclaim could never be bestowed upon our late President."

"The change was made in commemoration of a martyred President. To return the former name would be a useless charade that could only be interpreted as a slap at the Kennedy family by a city which is not mature enough to make and maintain a position of sympathy. How silly the whole question must seem. There are pressing socio-economic issues that deserve the 'heated debate' that this has generated."

[From the Palm Beach Post, May 22, 1969]

CAPE CANAVERAL CITIZENS HOPE TO REGAIN IDENTITY

(By Jack Harper)

TALLAHASSEE.—The folks of Cape Canaveral want their identity back. Remember? Cape Canaveral for more than 400 years identified the land mass in Brevard County sticking out in the Atlantic Ocean. It was first named by Spanish explorers.

Then, President Johnson inked out those 400 years when he signed an order renaming it Cape Kennedy in memory of former President John F. Kennedy.

The move to regain the Cape Canaveral identity came in a resolution introduced in the Florida House Wednesday by Rep. William E. Powell, R-Indiatlantic.

"We need all the history we can get for our children's sake," said Sen. Beth Johnson, R-Cocoa Beach, who supports the resolution.

New York born and mother of three children, Sen. Johnson said President Johnson had every right to name the U.S. Missile Test Center on Cape Canaveral after the late President Kennedy.

"But he didn't have the prerogative to take away the birthright of the generations of people who have lived on Cape Canaveral," she said.

The resolution is expected to easily clear the legislature. Then it will go to President Nixon and the Congress.

Ney Landrum, director of the Outdoor Recreation Council of Florida, said Wednesday President Johnson polled members of the U.S. Board of Geographic Names by telephone before making his announcement of the name change following the assassination of Kennedy.

"I don't believe he even intended to rename the land mass of the cape," he said, "but that's how it came out."

The resolution does not seek to change the name of the John F. Kennedy Space Center located on Cape Canaveral.

"Congress can change it back," Landrum said. "From a geographer's viewpoint, it should be done. By this precedent, the President can change the Suwanee River to Johnson River or Pike's Peak to Kennedy's Peak."

[From the St. Petersburg Times, July 13, 1969]

NAMING CAPE FOR JFK AN ERROR, GURNEY SAYS

WASHINGTON.—The action six years ago that changed the name of Cape Canaveral to Cape Kennedy apparently was an unin-

tentional error, Sen. Edward J. Gurney, R-Fla., said yesterday.

With Sen. Spessard L. Holland, D-Fla., Gurney has introduced a resolution to restore the old name to the geographical area that is the nation's stepping stone to space. A similar resolution is pending in the House.

President Johnson's 1963 executive order makes no mention of Cape Canaveral, Gurney said.

"It simply refers to the Air Force station and to the NASA installation and designates them as the Kennedy Space Center—something on which the people of Florida agree: We are very proud that it bears the name of the late President Kennedy.

"Actually, however," he continued, "further research that I did on this matter five years ago, indicated to my satisfaction that the name change accomplished by the Board of Geographic Names, which is the federal agency charged with this responsibility, was really taken without going into the details of the facts and circumstances, there were no hearings at the time as required by law. As a matter of fact, there was not even a meeting of the full board. How it came about, I do not know. But I do not think the intention at the time was really to change the name of the geographic area."

Earlier this year, the Florida Legislature adopted a resolution requesting the Cape's historic name be restored.

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[From the Panama City Herald, Aug. 11, 1969]

RESTORE CANAVERAL'S NAME

DEAR EDITOR: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, and according to newspaper poll is favored by 93 per cent of the people who work and live in the cape area.

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy . . . which is of more recent origin, or St. Andrews Bay.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

* * * * *

[From the Palm Beach Post-Times, June 1, 1969]

RESTORE "CAPE CANAVERAL"

West Palm Beach.

Editor:

Florida citizens should join in supporting the resolution recently offered before the Florida legislature concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose untimely death shocked the nation. To destroy the historical associations attached to the name Cape Canaveral, the oldest name of any landmark on the American Atlantic coast, is wrong in principle.

Ponce de Leon is credited with its discovery, in 1513, the year in which he discovered and named Florida. Its name was recorded on many of the earliest known Spanish and French maps and charts of world navigation for more than 450 years.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Many believe that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

The resolution being considered by our legislature recommends that the name of the John F. Kennedy Space Center be retained for the space program facilities and that the President restore "Cape Canaveral" to the geographical area of the cape in order that the title of most ancient of our own historic landmarks should be recognized and preserved.

This proposal calls for an expression of approval addressed to the members of our legislative delegation in Tallahassee.

JAMES R. KNOTT.

[From the Fort Myers News Press, Aug. 25, 1969]

CAPE CANAVERAL

Editor, News-Press:

Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and according to newspaper poll is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River or Long Island.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country . . .

[From the Tampa Tribune, Aug. 9, 1969]

JFK WOULD PREFER CANAVERAL

WEST PALM BEACH.—Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, as well as the vast majority of the people who work and live in the Cape area.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose untimely death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is wrong in principle. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin—or Tampa Bay.

Ponce de Leon is credited with naming the Cape in 1513, the year in which he discovered and named Florida. The name of Cape Canaveral is so well established in history and on every nautical chart since the earliest days of exploration of our shores that it deserves preservation.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials . . . that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death.

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the Cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

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[From the Miami Herald, Aug. 14, 1969]

TO GET "CANAVERAL" BACK FOR FLORIDA

(By Jeanne Bellamy)

So far the debut of Cape Canaveral on a map has been tracked back to 1541–44. The search for an earlier listing may prove endless.

Marjory Stoneman Douglas, Miami author, believes the 1541–44 mapmaker "copied the few names on the East Coast of Florida, notably Canaveral, from some earlier maps known to have existed around 1527."

She is curator of the David O. True Collection, Cartography of Early North America in Relation to Florida, in the University of Miami Library.

The late Mr. True wrote in 1958 that "the first date was 1525, when it was written 'b. d. las canas.' " He asserted that Cape Canaveral was discovered in 1499 by John Cabot, the explorer from England, and rediscovered in 1513 by Juan Ponce de Leon.

Mrs. Douglas began tracking down the first mention of Cape Canaveral because of a resolution pending in Congress to restore that name. She suggested the action in her book, "Florida, the Long Frontier," published in 1967:

"At the shock and sorrow of the assassination of youthful and gallant President Kennedy, the name 'Cape Kennedy' was hastily substituted on the maps for the old name of that remarkable hook of sand always known as Cape Canaveral.

"I cannot believe that John Kennedy, with his profound feeling for the values of history, would have approved that change. The name, 'Kennedy Space Center,' is a fitting and appropriate memorial. But I do not think it is too much to ask that some day the name 'Canaveral' may be restored to the cape by which it has been known for 400 years."

Nothing happened until last Feb. 28 when Mrs. Douglas talked to the Palm Beach County Historical Society. Her speech was about the many gaps in knowledge of Florida's past, including the history of Canaveral.

"History is still to be served," she remarked, "by an effort to restore the name of Cape Canaveral, that of the oldest known landmark on the American Atlantic Coast."

She got an unexpected response.

"I was startled," she relates, "by being interrupted by a burst of applause."

The group's head, Judge James R. Knott, a past president of the Florida Historical Society, pledged a concerted effort to restore the ancient name.

Something similar happened in April when Mrs. Douglas spoke to Friends of the Hillsborough Library in Tampa.

The movement snowballed. Resolutions

favoring the change were adopted by organizations concerned with history, genealogy and space pioneering. The Florida Federation of Garden Clubs approved informally, and the Florida Historical Society formally.

Before adjourning June 6, the Florida Legislature adopted a measure asking federal officials to restore the old name, with the consent of Sen. Edward Kennedy.

All the resolutions called for keeping the name of the John F. Kennedy Space Center on Merritt Island near the cape, as ordered by President Johnson seven days after the assassination in Dallas. The center contains the launch complex which sent the first men to the moon last month, achieving the goal set for the nation by President Kennedy in 1961.

In Washington, a spokesman for Sen. Kennedy said the family was "very appreciative of the cape's naming for President Kennedy, but if the Florida delegation feels there should be a change, it's up to them."

The 133-line joint resolution pending in Congress is sponsored by Florida's two senators, Spessard Holland (D.) and Edward Gurney (R.), seven Florida Democrats and three Florida Republicans in the House—all but Reps. Claude Pepper and Dante Fascell of Miami.

The bipartisanship echoes the pattern in the Florida Legislature. There, the sponsors were Sen. Beth Johnson of Cocoa, a Republican, and Rep. Jerome Pratt, Democrat of Palmetto.

The joint resolution in Congress would keep the John F. Kennedy Space Center but rename Cape Canaveral.

"Our Florida people are proud to have on our soil the John F. Kennedy Space Center," Sen. Holland told his colleagues July 10.

"However, I do not believe that John F. Kennedy, who was a historian of note and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained throughout the years."

That's where the project stands today. To replace Cape Canaveral on the maps, the joint resolution must be passed by both Houses of Congress and signed by the President.

[From the Palm Beach Post-Times, June 7, 1969]

STATE OKAYS CANAVERAL CAPE NAME

TALLAHASSEE.—A joint resolution introduced by Sen. Beth Johnson, R-Coca Beach, urging changing the name of Cape Kennedy back to Cape Canaveral, passed the legislature Friday.

It will be sent to Florida members of the U.S. Congress, President Nixon, the Federal Commission on Geographic Names, and U.S. Sen. Edward Kennedy of Massachusetts.

The proposal does not ask for changing the name of the John F. Kennedy Space Center, but only the land mass of old Cape Canaveral on which the center is located.

An amendment was attached to the resolution which requires the permission of Sen. Kennedy, brother of former president John F. Kennedy, for the name change.

Cape Canaveral was originally named by Spanish explorers of Florida's east coast.

The name was changed by President Lyndon Johnson following the assassination of President Kennedy.

[From The Evening Tribune, March 20, 1969]

CAPE CANAVERAL IS PROPER NAME

The Central Brevard geographical area now called Cape Kennedy should be renamed Cape Canaveral, but the Merritt Island facility should continue to be known as the John F. Kennedy Space Center.

We base that on the results of The Evening Tribune What's Your Opinion? poll. The survey indicated that 92.9 per cent of the 1,521 participants want Canaveral returned to the name, but Kennedy retained in the title for the Merritt Island aerospace facility.

A majority of the pro-Canaveral coupon votes argued that the area has been known as Cape Canaveral for over 400 years and that it is an historical name.

Many also said the name change was made during a period of great national grief over the untimely death of President John F. Kennedy. They explained that it was a hasty decision.

The pro-Kennedy participants mainly wanted the present name to remain as a tribute to the memory of the late President. They also felt that Canaveral has no special historical significance, and, if so, it was of lesser importance than honoring President Kennedy.

We believe that honoring Mr. Kennedy and remembering historical sites by their rightful names are both worthy goals. And this would be done by returning the name Canaveral and continue calling the island installation the Kennedy Space Center.

The Tribune has sent the poll results to our Washington delegation. We hope it will be successful in bringing back the name Canaveral to our historical site, as asked by hundreds of Brevardians.

[From the Evening Tribune, Mar. 20, 1969]

CHANGE IT TO CANAVERAL, URGE 700 SPACE PIONEERS

[From the Tallahassee Democrat, July 1, 1969]

LET'S RESTORE THE NAME

When President Johnson changed the name of the space facilities at Cape Canaveral, by executive order, to honor John F. Kennedy, it appeared to be a fitting memorial to the late President.

But many felt it improper to change also the historic name of the cape to Cape Kennedy. Now there is a strong movement to get the old name of the geographical area restored. It is movement that has merit.

When a newspaper poll was conducted in Brevard County, some 93 per cent of those participating were in favor of the restoration. In addition, a number of historical groups, including the Florida Historical Society, have passed resolutions asking that the old name be retained.

In its spring session, the Florida Legislature approved a concurrent resolution asking President Nixon to change the name back to Canaveral while continuing to honor the late John F. Kennedy Space Center for the space program facilities there.

This request is fair and reasonable and ought to be honored. The history contained in the name Canaveral shouldn't be lost. It should continue to be recognized as a significant landmark.

The legislative resolution provides the old name should not be restored without the consent of the late President's brother, Sen. Edward M. Kennedy. This is a courtesy to the Kennedy family that reveals an underlying concern for the family's feelings.

There is a good chance Senator Kennedy will be impressed with the desire of so many people and will consent to the restoration, fully realizing the memory of his brother will continue to be honored through the space center.

The name Cape Canaveral is that of the oldest known and most continuously used landmark on Florida's Atlantic Coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.

Canaveral was on navigation charts even before Mississippi River, Cape Hatteras or Cape Cod. It ought to be given back its rightful place on the maps.

OUTLOOK FOR NAME CHANGE OF CAPE KENNEDY PROMISING

(By H. S. McKenzie)

Most of us remember the hysteria that followed the tragic death of President John F. Kennedy. In that hour of grief and excitement, public sympathy was expressed in the form of adopting his name for a wide variety of objects as memorials.

Falling within this category were highways, bridges, schools, streets and buildings. As proof of this, visit any town, city or county in the Nation, and one will find some street, public building, or bridge bearing the name of the great President, who fell victim to an assassin's bullet. Making this personal, this form of reverence and honor, consider the countless thousands of babies who arrived at about that time who now bear the name of John Kennedy.

Possibly the greatest of Memorial came from our State when Cape Canaveral as it had always been known in history and geography was changed to Cape Kennedy. Doubtless more attention and publicity followed this memorial act because of world-wide notice in connection with space flights topped by the present epochal flight to the moon.

In fact, the "Canaveral-Kennedy" name exchange was recognized as the nation's tribute. It was "fathered" by President Nixon in response to popular demand, his calling on the Florida Senators, Holland and Gurney to sponsor a move to repeal the former Act and to resume the name of Cape Canaveral.

The Florida Legislature adopted resolutions endorsing the proposed restoration to the name of Cape Canaveral.

We have never been influenced by wild hysteria, hence never became enthusiastic over the popular demand to call the historically known Canaveral to Kennedy.

These feelings, despite the fact that we had only love and admiration for the martyred President. Hero worship can often be misdirected. It is rather gratifying to know that the outlook is promising for the early official restoration of the name, Cape Canaveral.

MEMBERS VOTE 10 TO 1 FOR RESTORATION

(By George Allen)

A resolution asking that Cape Kennedy be renamed Cape Canaveral was unanimously adopted by the 700-member Missile, Space and Range Pioneers at its third annual dinner Wednesday.

The resolution came after a straw vote of the organization's membership turned out 352 to 36 in favor of restoring the Canaveral name to that geographical area.

This straw vote, amounting to 10–1 for Canaveral, was close to the outcome of The Evening Tribune What's Your Opinion? poll on this name debate.

The Tribune poll, with 1,521 participants, showed 92.9 per cent wanted that area renamed Cape Canaveral. Results of the poll were sent to Brevard's representatives in Washington.

Copies of the pioneers' resolution will be sent to U.S. Sens. Spessard L. Holland and Edward J. Gurney, U.S. Rep. Lou Frey, State Sens. Beth Johnson and C. S. Reuter, and State Rep. Charles E. Davis, Clifford A. McNulty, William E. Powell and Richard Tillman.

Asa B. Bibbs, pioneer president, said the resolution asking for the Cape to be renamed Canaveral noted that "Cape Canaveral had been the name of the geographical location for several hundred years of that region of land on the East Central Coast of the state of Florida and had been identified and recognized by seafaring men and freeholders of that region, and was so identified on maps and charts of that area until changed by Presidential order to Cape Kennedy."

Former State Rep. Harry Pfeiffer has circulated similar resolutions to other area organizations, pointing out that, in addition to the pioneers' poll, a poll taken by The Evening Tribune revealed a "tremendous and overwhelming majority favored restoring the name Cape Canaveral."

Pfeiffer encouraged groups receiving his resolution to adopt them and send them to Brevard representatives in Tallahassee and Washington.

The Canaveral name had been used for more than 400 years when it was changed to honor the memory of the late President John F. Kennedy. That touched off a debate on the name which sparked the current action aimed at settling the argument.

In the Pioneer straw voting, President Gibbs said these were some of the comments written by participants on their ballots:

"Kennedy Space Center properly honors the late president, and the Cape Canaveral name should be preserved."

"No one asked the people of this area when it was changed. I'm for changing it back. No disrespect intended, but they should have changed Cape Cod."

"The cost of changing the name was too much to justify it, but this should not prevent us from changing it back. It was not necessary in the beginning."

[From the Palm Beach Times, Aug. 18, 1969]

PEOPLE OF "THE CAPE" WANT OLD NAME BACK

(By Don Maclean)

WASHINGTON.—It's no secret that natives of the area once known as Cape Canaveral, Fla., were not exactly thrilled when President Johnson renamed it Cape Kennedy shortly after the assassination.

The name Cape Canaveral first appeared on maps and charts of explorers more than 400 years ago. But, in addition to the historical reason for resisting the change, the region's businessmen have a very practical one—literally hundreds of companies use Cape Canaveral in their names.

Both senators from Florida have pointed this out and, in a bill to restore the area's old name, they say that President Johnson's action was ill-advised and done without regard for those who would be affected by it. However, they have in mind a compromise: The cape will be called Canaveral and the rocket place will be called the John F. Kennedy Space Center.

So much for that. To date, neither New York senator has shown any interest in changing the name of John F. Kennedy airport back to Idlewild, although many pilots still call it that.

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[From the Palm Beach Times, Mar. 4, 1969]

COLUMNIST ASKS CAPE RENAMING

PALM BEACH.—Marjorie Stoneman Douglas, editorial columnist for the New York Times, in a talk before the Palm Beach County Historical Society here, called for the restoration of the name Cape Canaveral.

Mrs. Douglas, who said she is an admirer of the late President Kennedy for whom the cape was renamed, said he would have been among the first to scorn the idea of changing the name.

Ponce de Leon gave the cape the name Cape Canaveral when he discovered Florida in 1513, Mrs. Douglas said.

"Let them name the missile base Kennedy and change the name of Cape Cod (to which President Kennedy was a frequent visitor) to Cape Kennedy. Cape Cod is a much newer name than Cape Canaveral," she said.

Mrs. Douglas also recounted facets of Florida's early history. She was introduced by Theodore Pratt of Delray Beach, author of a number of books with Florida settings.

RENAME THE CAPE

PALM BEACH.—The Palm Beach County Historical Society wants the National Aeronautics and Space Administration to give back its missile-test range its old name—Cape Canaveral.

Circuit Court Judge James R. Knott, society president, said the society is joining other groups in urging that the range—renamed Cape Kennedy after the assassination of President John F. Kennedy—go back to its original name.

Judge Knott said the society has been urged by a former New York Times editorial columnist, Marjorie Stoneman Douglas to back the move. She said she knew Kennedy well and he would not have wanted the name of the cape changed.

The judge said Mrs. Douglas reported the name was changed during a wave of deep and "almost hysterical" sorrow that swept the nation after the assassination.

Mrs. Douglas said a move is under way on the Florida east coast to restore the original name.

[From the Palatka Daily News, Aug. 20, 1969]

RENAME THE CAPE

Emotion sometimes puts a hammerlock on judgment and a decision is made which is regretted as time skips along.

We believe an outstanding example of this was the almost hysterical race to change long-standing names of places and things to Kennedy after the popular president was shot down in Dallas.

Cape Canaveral was included on the honor list and became Cape Kennedy not too long after the tragedy. This was very likely the most prominent case of name-swapping in view of the Cape's role in man's march toward the stars.

Now there are second thoughts and a campaign is underway to restore the designation of Cape Canaveral to its original status. The Florida Legislature is pushing this about-face and popular sentiment is in favor of the change.

We believe John F. Kennedy is assured of his proper place in history. His death was tragic, meaningless and will be shrouded in mystery for years to come. He was off to a running start toward that goal called "Greatness" and few will deny his stature.

* * * * *

[From The Sunday Times, Aug. 10, 1969]

WANT IT TO BE CAPE CANAVERAL?—SAY SO!

All Florida residents should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to the Sunshine State's oldest landmark.

This proposal was aired in the final days of the '69 session of Florida state legislature and now is before the United States Congress.

It has the endorsement of Florida Historical Society and according to newspaper polls is favored by 93 per cent of the people who live and work in this county.

Which means if it comes to referendum, it would be restored as Cape Canaveral.

But if voter apathy is a problem in this nation, how about communication gaps?

Since we won't be voting but our Congressmen will, why not a concerted effort to contact U.S. Sen. Spessard Holland, U.S. Senator Edward J. Gurney, Congressman Lou Frey Jr. and Congressman William V. Chappell.

Senate or House Office Building should be sufficient address to insure delivery of written communications.

We are indebted to Circuit Judge James R. Knott, Palm Beach, president of Florida Historical Society, for the following contribution for our editorial comment column:

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

Let Washington hear from you.

Mr. GURNEY. These are some of the newspaper articles, letters to the editor, and editorials from all over the State of Florida requesting the change of name of this historic Cape Canaveral back to that original name, which, as I say, dates back, in the history books and on the geographic maps, for over 400 years.

Renaming this cape, in my judgment, was a grievous mistake in the first place. The citizens of the area, the citizens of Florida, and, for that matter, citizens in other parts of the Nation have felt that way, as stated in correspondence which has come to me, particularly immediately after the act was done, but since then also.

So, it would be my hope, Mr. President, that the Senate could find it possible, through the Committee on Interior and Insular Affairs, to unloose this bill and undo this wrong, and make it right again.

In closing, I say again—and I could not say this more sincerely, more honestly, or more fervently—that I think if our late President John F. Kennedy himself were alive, and could appear before the Senate today, where he once served in such a distinguished fashion, he would be here, backing with his voice 100 percent my words in favor of this name change, as well as those of my distinguished senior colleague, who is about to speak on this subject also.

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senator from Florida (Mr. HOLLAND) is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, first I congratulate my colleague upon his able statement on this subject which has been of such deep concern, not only to him and to myself, but to literally thousands of citizens of the State of Florida; and I must say, in starting, that we have been deeply puzzled by our inability to get the committee having jurisdiction of this matter, having before it the record of what I think is an excellent hearing, after public notice, to which no witnesses came except those supporting our measure—and they were witnesses of the highest character and credibility—to report out this resolution. It has been a highly frustrating experience to both Florida Senators.

Mr. President, on July 10, 1969, I introduced Senate Joint Resolution 133, for myself and my distinguished colleague, Senator GURNEY, to redesignate the area in the State of Florida now known as Cape Kennedy as Cape Canaveral. This legislation was introduced only after very careful and full consideration. It was not introduced to detract from the esteem held by all Floridians for our late President Kennedy. We feel it fitting and proper to memorialize a beloved President. It was particularly proper that the facilities of the National Aeronautics and Space Administration and the Department of Defense be designated as the John F. Kennedy Space Center, as was done by Executive Order 11129, dated November 29, 1963, in view of the efforts made by the late President Kennedy, who did so much to advance our exploration of outer space and the fact that the major part of the space program is conducted from the center and not from the cape as a whole. The Center, by the way, is located on Merritt Island, and not on Cape Kennedy. The major part of the center and of the space program in that area is conducted from Merritt Island, and not from the cape.

Mr. President, it is to be noted that the proposed legislation in no way would change Executive Order No. 11129, except to make the designation of the space center permanent by law. This, I believe, is important for we know that an Executive order can be amended, changed or rescinded at any time by any President. And while it is inconceivable that the name of the space center would be changed, it is possible that in future years there may come a time when it is so recommended. By passage of Senate Joint Resolution 133 this possibility, by a stroke of a pen, would not be possible.

Mr. President, Senate Joint Resolution 133 would only redesignate the cape itself, now called Cape Kennedy, which for some 400 years had been known as Cape Canaveral, by its original historic name. Unfortunately, at a time when emotions were running high as a result of the tragic events of the time, President Johnson suggested that Cape Canaveral be renamed Cape Kennedy, notwithstanding the fact that Cape Canaveral is thought by scholars to be the oldest place name on the Atlantic coast of the continental United States. This suggestion was made early in the day of November 27, 1963, and Secretary Udall advised the President later the same day that the Naming Committee of the Board of Geographic Names and himself had evaluated the proposal and that the Board unanimously favored the renaming of this historic cape.

Obviously, due to the time limitation, it was not possible for the Board to do much research on the proposal. And it is interesting to note that the membership of the Board at the time was composed of representatives from the Departments of State, Army, Navy, Air Force, Post Office, Interior, Agriculture, Commerce, Government Printing Office, Library of Congress, and the Central Intelligence Agency. I believe it proper to note at this point, in view of the action taken in less than 1 day's time by the Board of Geographic Names, that the regulations which the Board issued covering the principles to be followed in change of names include some 15 rules, four of which were not or could not have been given consideration with reference to redesignating Cape Canaveral as Cape Kennedy.

First, the regulation is that names dominant in local use generally are retained. Second, the euphonious and suitable names of Indian or foreign origin shall be retained—and this name is of Spanish origin, the Spanish explorers having first discovered Cape Canaveral. Third, that existing names should not be replaced unless they are duplicates or are inappropriate. Fourth, that acts of State legislatures, municipal councils, and other local governing bodies regarding geographic names are usually accepted unless application of the name would be in conflict with many principles followed by the Board.

Mr. President, I submit that the renaming of Cape Canaveral as Cape Kennedy was in direct conflict with these four principles or regulations laid down by the Board.

Mr. President, the Chairman of the Interior and Insular Affairs Committee, the Senator from Washington (Mr. JACKSON), at my request set down and gave public notice of hearings on this proposed legislation on November 24, 1969, at which time I, along with my colleague, Senator GURNEY, testified as did other informed Floridians. No witness appeared in opposition to the legislation.

Since the committee has not as yet had the hearings printed, I ask unanimous consent that the transcript of the hearings be printed in the RECORD at this point in order that all Members of the Senate may have an opportunity to review it.

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

[U.S. Senate, Committee on Interior and Insular Affairs, Nov. 24, 1969]

S.J. RES. 133

The committee met, pursuant to call, at 10:00 a.m., in room 3110 New Senate Office Building, Hon. Clinton P. Anderson presiding.

Present: Senators Clinton P. Anderson (New Mexico), and Clifford P. Hansen (Wyoming).

Also present: Jerry T. Verkler, staff director; Roy M. Whitacre, professional staff member; and Charles F. Cook, Jr., minority counsel.

Senator ANDERSON. This is the time duly noticed and set for an open public hearing on Senate Joint Resolution 133, to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral.

The bill also provides that the facilities of the National Aeronautics and Space Administration and of the Department of Defense shall continue to be known as the John F. Kennedy Space Center.

President Johnson, honoring the late President, in November of 1963, changed the name of Cape Canaveral and named the space center in his honor.

The bill we consider today, S.J. Res. 133, was introduced by Senators Holland and Gurney, and I direct that the text appear at this point in the record.

(Bill to be furnished follows:)

S.J. RES. 133

A joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the area in the State of Florida formerly known as Cape Canaveral and thereafter designated as Cape Kennedy is hereby redesignated as Cape Canaveral, and any law, regulation, document, or record of the United States in which such area is designated or referred to shall be held to refer to such area under and by the name of Cape Canaveral.

SEC. 2. The facilities of the National Aeronautics and Space Administration and of the Department of Defense, referred to in Executive Order 11129, dated November 29, 1963, shall continue to be known as the John F. Kennedy Space Center.

RESUMPTION OF TESTIMONY

Senator ANDERSON. Senator Holland, we are very pleased to have your statement.

STATEMENT OF HON. SPESSARD L. HOLLAND, A U.S. SENATER FROM THE STATE OF FLORIDA

Senator HOLLAND. Thank you, Mr. Chairman.

I sincerely thank this committee for setting down these hearings on S.J. Res. 133, which I introduced on July 10, 1969, for myself and my distinguished colleague, Senator Gurney, to redesignate as Cape Canaveral the area in the State of Florida now known as Cape Kennedy.

Mr. Chairman, let me say first that I know of no Floridian who wishes to detract in any way from the great accomplishments of our late President Kennedy. His achievements and the devotion millions of Americans had for him are such that he will always be remembered.

We Floridians feel that it was and is wholly proper to memorialize a dearly loved President whose every effort was to aid his fellow man, his country, and the people of the world to a better and more peaceful way of life and whose inspired leadership did so much to advance our exploration of outer space. If it had not been for him, I seriously doubt that our nation, in 1969, would have landed men on the moon and would now be the world leader in the exploration of outer space.

Therefore, Mr. Chairman, it was most appropriate that President Johnson by Executive Order designated the facilities of the National Aeronautics and Space Administration and the Department of Defense located on the Cape as the John F. Kennedy Space Center in memory of the late President and his great contributions to the country's space efforts, that site being the very area where all successful launchings of manned space vehicles have been accomplished.

However, because of the great importance of the name Cape Canaveral dating back over 400 years and its history and Spanish background, our Florida people in general do not feel that the name Cape Canaveral should have been changed to Cape Kennedy.

It is this strong historical influence and the feeling of our people throughout the State that influenced Senator Gurney and myself to introduce the resolution now under consideration to restore the historic name Canaveral to the Cape as a matter of law.

Mr. Chairman, the first explorer of Florida, Ponce de Leon, landed near St. Augustine, Florida, in 1513, and is credited with naming the Cape at that time as Canaveral.

The *Real Academia Espanola's Diccionario Historico de la Lengua Espanola* translates Canaveral as "a place overgrown with canes or reeds." The historians state that mapmakers in 1541–44 copied the few names on

the East Coast of Florida, notably Canaveral, from some earlier maps known to have existed around 1527.

In 1958, the late Mr. David O. True wrote, and this is contained in the David O. True Collection, *Cartography of Early America in Relation to Florida*, in the University of Miami Library, that "the first date was 1525, when it was written 'b.d. las Canas.'" He asserted that Cape Canaveral was discovered in 1499 by John Cabot, the explorer from England, and rediscovered in 1513 by Juan Ponce de Leon.

I should say, Mr. Chairman, that I have been unable to find any vertification of an earlier discovery by John Cabot, but I am quoting these matters as they appear in various historical records for the information of the committee.

To show further the historical significance of the name Canaveral, I refer to a reprint from *Hispania*, Vol. XLVII, No. 2, May, 1964, entitled "Alonso de Escobedo and 'La Florida'," by J. Riis Owre, Professor of Spanish, Department of Foreign Languages, University of Florida. These works contain a poem written by Father Alonso de Escobedo when he came to Florida in 1587 and found the name Cape Canaveral already in use.

I believe the committee would be interested in the poem, translated by Professor Owre, for it shows very clearly the value of the Cape to early mariners:

"Great Habana has a port whence sails the fleet, the royal armada, going forth directly into the Bahama Channel, as it is called. The pilot of the fleet, if he is alert knows that his navigation has been good when he sees a great point which is called Cape of Canebrake (Canaveral) of lush vegetation . . ."

At this point, the poet explains that here the pilots set their course east for Spain, knowing that they have passed the latitude of the Bahama shoals.

I believe, Mr. Chairman, this illustrates the value placed upon Cape Canaveral some four centuries ago, as a guide to the seafarers of those days.

Mr. Chairman, if one would look on a map, he would see that Cape Canaveral extends far out from the east coast of Florida. It serves as a beacon to navigators sailing the east coast of the United States to the Bahama Islands, Central and South America, and for all the ships sailing the sea lanes north and south.

Again, Mr. Chairman, I state with all possible vigor that the renaming of the Cape is being requested, not as a reflection on a great President—and he was a great and beloved President—but because of the great historical significance of the name and with the belief that as a historian of note, our late President, who cherished the heritage of this nation, would not want any action taken to cause us to lose any of our historical background attained throughout the years.

As you know, historically Florida is Spanish oriented, for throughout the years since the discovery of Florida and up to the time Spain ceded it to the United States in 1819, except for a 20-year period from 1763 to 1783, when it was under English domination, Florida was under Spanish rule.

Mr. Chairman, at the time of the tragic and untimely death of President Kennedy, emotions ran high. Everyone was stunned and shocked at the assassination of the President, who was held in the highest esteem by everyone. Outside of Government, people of the nation could show their respect by attending the churches of their choice or participating in one of the many memorial activities.

Within the Government, high officials wanted to express in some manner this great loss by an appropriate memorial. President Johnson, thereupon, by Executive Order 11129, dated November 29, 1963, designated the facilities of the National Aeronautics and Space Administration and the Department of Defense as the John F. Kennedy Space Center.

This was an action which was most fitting and proper, and with which all Floridians heartily concurred. In the pending measure, we wish to make this action permanent as a matter of law.

Unfortunately, and I am sure with all intentions of doing the proper thing, but with high emotions due to the events of the time, President Johnson suggested that Cape Canaveral be renamed Cape Kennedy.

This was suggested, as indicated in a memorandum for the President from Secretary Udall dated November 27, 1963, subject, "Changing Name of Cape Canaveral to Cape Kennedy."

I ask that a copy of the memorandum be placed in the record at this point.

Senator ANDERSON. Without objection, that will be done.

(Document follows:)

THE SECRETARY OF THE INTERIOR,
Washington, November 27, 1963.

Memorandum for the President:

Subject: Changing Name of Cape Canaveral to Cape Kennedy.

Pursuant to your suggestion earlier today, with the help of the Domestic Names Committee of the Board on Geographic Names I have evaluated the proposal that Cape Canaveral, Florida, be renamed Cape Kennedy.

The name Cape Canaveral is derived from Cabo de Canareal (Cape of Royal Cane) which first appeared on a Spanish map in 1565. This name appears in different spellings on later maps. It is apparent that the original Spanish name was corrupted over the years into the name Cape Canaveral which later became the official designation for this geographic area. It is also interesting to note that it was not until 1963 that the name of the post office was changed from Port Canaveral to Cape Canaveral.

Of course, in recent years Cape Canaveral, due to its central importance as a center of space research, has come to be associated in the minds of people of the United States with our effort to explore outer space. The major American achievements in space to date are unquestionably largely the result of inspired leadership of the late President, John F. Kennedy. Consequently, the experts in my Department consider that the historical values associated with the renaming of this geographic area in honor of the late President Kennedy far outweigh the claim of the other historical values associated with the existing name. I should also advise you that there is ample precedent under the circumstances for making a name change of this kind. You are also advised that the Board of Geographic Names unanimously favors the renaming of this geographic feature as Cape Kennedy.

STEWART L. UDALL,
Secretary of the Interior.

RESUMPTION OF TESTIMONY

Senator HOLLAND. It is to be noted that based on the suggestion made early on the day of November 27, 1963, Secretary Udall advised the President that the Names Committee of the Board of Geographic Names and himself had evaluated the proposal and that the Board unanimously favored renaming of the historical name of Cape Canaveral as Cape Kennedy.

I submit, Mr. Chairman, and this emphasizes the emotion that all felt at the time, that the Board could have done little if any research on the proposal. It is interesting to note that the membership of the Board at that time was composed of representatives from the Departments of State, Army, Navy, Air Force, Post Office, Interior, Agriculture, Commerce, Government Printing Office, Library of Congress, and the Central Intelligence Agency, and that coordination was accomplished, and a unanimous position expressed, within one day—this was a remarkable feat unparalleled, I am sure, in recent history of government operations.

It is also most interesting to note that in the fall of 1962, just about a year prior to the action of the Board in renaming the Cape, the town of Port Canaveral petitioned the Committee on Domestic Geographic Names to change its name to Cape Canaveral, and the request was granted.

Upon announcement of the name change from Canaveral to Kennedy, opposition was immediate. To show this opposition, I ask that the following newspaper articles be included as a part of my remarks:

1. Editorial from the *Palatka Daily News* of November 29, 1963, entitled "Cape Kennedy, No!"

2. Article by Lora Sinks Brett appearing in the *Palatka Daily News* of December 5, 1963, entitled "Objection to Name Change of Cape Gathering Steam."

3. Editorial from the *Orlando Evening Star* dated December 9, 1963, entitled "So Cape Kennedy It Now Is."

4. Article by Ed Seney appearing in the December 9, 1963, issue of the *Miami Beach Daily Sun*, entitled "A Cape by Any Name."

I ask that these four articles of that period appear in my statement.

Senator ANDERSON. Without objection, that will be done.

CAPE KENNEDY, NO!

A four-century-old name will be no more by order of President Lyndon B. Johnson. He announced yesterday that Cape Canaveral will henceforth be called Cape Kennedy as a tribute to the late President John F. Kennedy who had given complete support of the Administration to the space program of the United States.

The announcement has taken Floridians by surprise, and there are some of us who disapprove because a place that has appeared on all Spanish and English maps of Florida throughout the world since the Sixteenth Century will be changed—at the request of the late President's grieving widow.

All Floridians are in greatest sympathy with Mrs. Kennedy, but President Johnson should remember that some acts in the emotional days following death are not always the ones that would take place at another time.

We disagree that Cape Canaveral should be changed in name and we dislike Governor Farris Bryant putting his approval on the change.

It is President Johnson's prerogative to change the name of Cape Canaveral and we do not question this, but we do question the good sense of his action. The John F. Kennedy Space Center at Cape Canaveral would be just as fitting a memorial and it would preserve the ancient name of Canaveral on the maps, almost the only original name remaining on the map of North America.

This country cannot and should not make a memorial of every street, bridge, canal, school, public building or public project to John Fitzgerald Kennedy. The affection for him shown in the days following his tragic death by many of his political foes will curdle and the memory that should be cherished with respect by them for a young, vibrant and far-sighted President will turn sour.

OBJECTION TO NAME CHANGE OF CAPE GATHERING STEAM

(By Lora Sinks Britt)

Objection to President Johnson's renaming of Cape Canaveral Cape Kennedy, without any previous public announcement of his intent, is beginning to gather steam.

The tiny City of Cape Canaveral, south of the missile base, and the city of Cocoa have approved resolutions to President Johnson and to Governor Farris Bryant protesting

the change in the name. The Cape Canaveral Council also wants to know if the President had the right to change the name of the cape.

Here in Palatka, numerous readers have called in since Nov. 29 when an editorial appeared in the Daily News protesting the change in name, to express hearty agreement with our stand. Most of them have said that they think it is fitting to name new structures and public facilities after the late President, and to name the Space Center at Canaveral in his honor, but they strongly disagree on the re-naming of the Cape.

Most Palatkans, who oppose the name change, share one of the same reasons that the Cocoa and City of Canaveral councils give in their petitions to the Governor and to the President: Historical. For about 400 years, Canaveral has appeared on all maps and every mariner in the world knows its location. It is the only name that has remained the same throughout all those years of changing Florida history.

There are others who oppose the action as being based upon emotion. They believe that if it had been delayed a few months, the renaming might not have taken place. On the other hand, they say that if it still seemed the thing to do, nothing would have been lost by the delay.

Still others who have called in to express disagreement saying that they view the action as just another example of the Administration's high handedness.

Meanwhile Governor Bryant told his news conference today that he thinks it is all right to have changed the name. He feels that "cane field," the translation of Canaveral, is no longer appropriate. Perhaps so, but it is doubtful if anyone, outside a handful of scholars, even knew that this is believed to be the meaning of the word.

I wish that instead of Governor Bryant making a "me, too" reply to the President when he called to ask what he thought of the idea, that he had said, "Let's think about this a little while." The Governor really owed it to his people to give it more consideration.

SO CAPE KENNEDY IT NOW IS

It looked for a while last week like the new name for the space launching area in Brevard County would have to be Cape Confusion.

The famous area had been Cape Canaveral for about 400 years which is more than twice as long as the United States government has been in business. Then on Thanksgiving Day President Lyndon B. Johnson announced that the space installation would be named in honor of the martyred President John F. Kennedy.

While no one had objected to honoring the late President, complaints about the change of such an old place name started seeping into the discussions and some outright objections from Brevard County were forwarded to both Florida's Governor Farris Bryant and to President Johnson.

Governor Bryant rechecked the situation on Thursday and came up with the idea that the land area would remain Cape Canaveral and space installation would be the John F. Kennedy Space Center, but this compromise type conclusion didn't last over night.

Word out of Washington said it was definite and final that Cape Canaveral would be no more and that Cape Kennedy it is and will continue to be. So the map makers and geographers went back to their drawing boards to make the changes on the thousands of maps and atlases which have carried the name Cape Canaveral since away back in the 1500s.

Now everybody can get back to business. The case is closed; at least it seems to be closed. The world will accept the new name without confusion as a fitting name for what soon will be the free world's spaceport. Cape Kennedy, now undergoing a change from a missile launching complex, will blossom into a great and expanding spaceport which will become more important and more famous as the years roll by.

A CAPE BY ANY NAME

(By Ed Seney)

On one side we have the memory of John F. Kennedy, a President most people liked even if they didn't agree with some of his political policies.

On the other side we have the people of a particular area who just don't see what the Federal Government (aided and abetted by Gov. Farris Bryant) has to do with naming or renaming their geographical area.

So now we have a feud—whether this cape or any cape shall be named Canaveral or Kennedy.

Did you ever see a debated issue with two sides so clearly defined? Did you ever see a controversy in which you could so clearly see both sides?

No one is disrespectful to the memory of a young President whose life was snuffed out by a mad assassin. I'm sure the people of the Cape Canaveral area—who are protesting the name change—do not mean to imply that they don't or didn't think the dead President deserved such a memorial.

During the hassle over this name change over the past week I have not heard anyone so brash as to claim that the late President should not be memorialized.

On the other hand, these people of the Cape area have been building their million-dollar dreams all on the Canaveral—a magic name that means space travel, orbits, astronauts, and an ultimate trip to the moon.

Canaveral was a word that meant space travel, a word known all over the world. The word means dollars and cents to those people.

When Mrs. Kennedy, President Johnson and Gov. Bryant decided to change the whole geographic scheme of things to honor the late chief, they may not have considered the feelings of the people who live and work in the Cape area. These Cape people are naturally concerned.

I have a deep respect for the name of the late President. I was for Kennedy all the way.

But I still think it is a bit thick the way the name change was forced on the people of the Cape. The government should:

1. Rename only the space complex, or

2. Let the people of that county vote their preference—a democratic way of doing things.

And I can't help but feel that one man especially would deplore the way the change was made. He would angrily denounce such a method of forcing something on people when they didn't want it. This man believed in the democratic processes.

This man was John F. Kennedy himself.

RESUMPTION OF TESTIMONY

Senator HOLLAND. Mr. Chairman, as you may or may not know there are many activities other than the space activities that have not been renamed. There is a City of Cape Canaveral immediately adjoining the Cape, with a first-class post office bearing that name. I understand that something above 5,000 people reside in that city.

The Port of Canaveral is a joint Federal-State venture in which the State is represented by the Port District. In Federal and State legislation concerning the port, the name Port Canaveral is used, and the name Port Canaveral is also used in the bond issue which raised the local contribution to supply the local share of cost of the port's development.

In addition, there are many private businesses at the Cape and at Cocoa Beach which contain the word "Canaveral" in their name.

Since the action was taken in 1963, the pressure from various groups has been building up, culminating in the Legislature of the State of Florida during its regular session, 1969, adopting a Senate Concurrent Resolution No. 1727 requesting the President to restore the name Cape Canaveral to the Cape.

I ask that a copy of this Resolution be included at this point in the record.

Senator ANDERSON. Without objection, that will be done.

S. CON. RES. 1727

A concurrent resolution recognizing the historical importance of the ancient name Cape Canaveral as our most significant landmark and requesting the restoration of that name to the geographical area of the Cape, while retaining the name of The John F. Kennedy Space Center for the space program facilities

Whereas, the late President of the United States, John F. Kennedy, closely identified with Florida both as distinguished visitor and in deep concern with American hopes in relation to outer space, was fittingly honored by President Lyndon B. Johnson's Executive Act No. 11129, of the 29th of November 1963, by which the facilities of the Launch Operations Center of the National Aeronautics and Space Administration and the facilities of Station No. 1 of the Atlantic Missile Range in Florida were given the name of The John F. Kennedy Space Center, which name should be retained, and

Whereas, the name Cape Canaveral was changed to Cape Kennedy at President Johnson's request to the Board of Geographical Names of the United States Department of the Interior, and

Whereas, the name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic Coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even the Mississipi River, Cape Hatteras or Cape Cod, a name in use on maps and charts of world navigation since that time, and

Whereas, our late President, John F. Kennedy, deeply aware of the profound value and significance of the great historic past of the United States of America and untiring in his efforts to make the memorials of that past living and real to every citizen, would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death, and

Whereas, a newspaper poll in Brevard County showed ninety-three percent of citizens voting in favor of restoring Cape Canaveral, and the Florida Historical Society and the seven hundred member Missile, Range and Space pioneers and numerous other bipartisan organizations throughout the state which reflect the sentiment of Florida citizens generally have endeavored and advocated the restoration of the name Cape Canaveral, now therefore, Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That, with profound respect for the memory of the late President John F. Kennedy and with a continuing sense of sorrow for his loss to us all, provided, however, that the Honorable Edward H. Kennedy shall agree to the restoration of such name, that the President of the United States, Richard M. Nixon, be requested to advise the Secretary of the Department of the Interior that the Board of Geographical Names should retain the name of The John F. Kennedy Space Center for the space program facilities, and restore the name Cape Canaveral to the Cape in order that the title of this most ancient of our own historical landmarks should be recognized and preserved for the honor of this nation forever.

Be it further resolved that a copy of this resolution, be submitted to the Honorable

Richard M. Nixon, President of the United States, and that copies be forwarded to the honorable members of the Senate and House of Representatives representing the State of Florida in the Congress of the United States. Filed in Office Secretary of State July 5, 1969.

I, Tom Adams, Secretary of State of the State of Florida, Do Hereby Certify That the above and foregoing is a true and correct copy of Senate Concurrent Resolution No. 1727, adopted by the Florida Legislature, Regular Session 1969, as shown by the records of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 28th day of July, A.D. 1969.

TOM ADAMS,
Secretary of State.

HOUSE MEMORIAL NO. 2219

A memorial to the Congress of the United States requesting that the land mass named Cape Kennedy be redesignated as Cape Canaveral, its historic name

Whereas, the name "Cape Canaveral," as applied to the land mass and not the government facility, has had historic association for the people of Florida and the United States for several hundred years, and

Whereas, the people of Florida applaud the renaming of the United States Missile Test Center in memory of President John F. Kennedy who was a pioneer in the American space effort, and

Whereas, it is appropriate that the Cape itself be known by its historic and familiar name of Cape Canaveral, now, therefore, Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby requested to provide that Cape Kennedy, Florida, be again designated as Cape Canaveral, the historic name of the Cape.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the Congress of the United States.

RESUMPTION OF TESTIMONY

Senator Holland. In addition, the Florida State Historical Society, the Historical Association of Osceola County, Inc., the Hernando County Historical Commission, the Peace River Historical Society, Brevard County Historical Society, the Gilchrist County Garden Club, the Margaret Mitchell Chapter and the Thomas Benton Ellis Chapter, United Daughters of the Confederacy, West Palm Beach, and numerous other groups and individuals, including the Association for the Preservation of Tennessee Antiquities, Lookout Mountain, Tennessee, and others, have fully supported the redesignation of the Cape as Cape Canaveral.

Mr. Chairman, as a result of the tremendous interest expressed by the people of Florida, and feeling as I do, and I am sure that my colleague, Senator Gurney, has similar feelings, that the historical significance of the name Cape Canaveral should be preserved, linked as it is to our Spanish background and to our earliest Spanish discoverers, explorers, and settlers, and further believing fully that our beloved late President would wish to perpetuate our historical background, I introduced S.J. Res. 133 for Senator Gurney and myself.

Mr. Chairman, since the introduction of the resolution, there have been many, many editorials and articles written in support of the name change back to Cape Canaveral.

Some of the editorials or articles are from out of our State. However, it is easy to understand the interest expressed by out-of-State newspapers, for I am sure they realize that if an historical Cape such as Canaveral, perhaps the oldest known and continuously used landmark on the American Atlantic Coast, whose name is recorded on maps even before that of the Mississippi River, Cape Hatteras, or Cape Cod, can have its name changed in one day, then no historic name, including those such as Jamestown, Plymouth Rock, Cape Cod, and many others, can be assured of perpetuity.

To show the desire of the Florida people to return the name Canaveral to the Cape, I would like to have included in the record the following 16 editorials and articles from Florida papers, which I have selected as being representative of the various sections of the State.

Mr. Chairman, without reading any of those, I read the list.

Article by Ralph Sumner appearing in the *Tampa Tribune*, May 29, 1969, entitled "Move To Return Canaveral Name to Cape Supported."

Editorial appearing in the *Cocoa Tribune*, June 27, 1969, entitled "Brevard Spoke Up; Washington Heard."

Editorial appearing in *Today*, which is published near the Cape in Brevard County, under date of June 28, 1969, entitled "Restore Canaveral."

Editorial appearing in the *Tallahassee Democrat* under date of July 1, 1969, entitled "Let's Restore the Name."

Article by George Gardner appearing in the *Star Advocate* under date of July 11, 1969, entitled "Historic Battle On To Rename Cape."

Article by S. L. Frisbie, IV, appearing in the *Polk Democrat* under date of July 14, 1969, entitled "It Should Be Canaveral."

Editorial appearing in the *Ocala Star-Banner*, under date of July 17, 1969, entitled "It Should Be Canaveral."

Editorial appearing in the *Eustis Lake Region News* under date of July 24, 1969, entitled "Let It Be Cape Canaveral."

Editorial appearing in the *Winter Haven Daily News* under date of July 25, 1969, entitled "Cape Canaveral."

Article by Reinhold Rogers, Jr., appearing in the *Clearwater Sun* under date of August 3, 1969, entitled "Movement Grows for Changing Cape Name Back to Canaveral."

Editorial appearing in *The Melbourne Sunday Times* under date of August 10, 1969, entitled "Want it to be Cape Canaveral?—Say So!"

Editorial appearing in the *Palatka Daily News* under date of August 20, 1969, entitled "Rename the Cape."

Editorial appearing in the *Winter Garden Times* under date of August 21, 1969, entitled "Cape Canaveral."

Column by Helen Coble, entitled "Courthouse Comments" appearing in the *Deland Sun News* under date of August 24, 1969.

Article by Bruce Dudley appearing in the *Orlando Sentinel* under date of September 14, 1969, entitled, "Cape's Old Name Near?"

Article by Hampton Dunn appearing in the September, 1969, issue of Florida Trend Magazine, entitled "Restore 'Canaveral' to Cape, Citizens ask."

Mr. Chairman, to be very candid with the committee, I must say that after all the search that I could make, I found only one editorial opposed to the change, and that was an editorial in the small paper published at the village of Sebastian, Florida, and I can produce that for the committee if the committee wants it. That is the only one that we have been able to discover.

Senator ANDERSON. Without objection, they may be placed in the record.

[From the Tampa Tribune, May 29, 1969]

MOVE TO RETURN CANAVERAL NAME TO CAPE SUPPORTED

(By Ralph Sumner)

FORT MEADE.—The Peace River Valley Historical Society has joined a growing number of similar organizations urging President Richard M. Nixon to order the changing of the name of Cape Kennedy back to its ancient name of Cape Canaveral.

By unanimous vote Tuesday night, the society instructed Col. Read B. Harding, secretary, to take the action necessary to accomplish that goal.

Said the historical society's resolution in part:

". . . with profound respect for the memory of the late President John F. Kennedy and with a continuing sense of sorrow for his loss to all of us, that President of the United States, Richard Nixon, be requested to advise the secretary of the United States Department of the Interior that the Board of Geographical Names should change the name Cape Kennedy to that of Cape Canaveral in order that the title of this most ancient of our historical landmarks should be restored and preserved for the honor of this nation forever."

Col. Harding, who made the successful motion, emphasized that the society wants the name of the United States space center to remain the John F. Kennedy Space Center in honor of the late President.

Explained the society by resolution in part:

". . . the late President of the United States John F. Kennedy closely identified with Florida both as distinguished visitor and deeply concerned with American hopes in relation to outer space was fittingly honored by President Lyndon B. Johnson's executive act . . . by which the name of the facilities of the launch operations center of the National Aeronautics and Space Administration and the facilities of Station No. 1 of the Atlantic Missile Range in Florida was changed to Cape Kennedy at Space Center.

The society noted that the name Cape Canaveral was changed to Cape Kennedy at President Johnson's request to the Board of Geographical Names of the U.S. Department of the Interior.

"The name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even Cape Cod, and in use on maps and charts of world navigation from that time to 1963 . . ." the society resolution noted.

The society expressed the belief that the late President Kennedy "would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death."

Col. Harding said other organizations that have taken similar action include Palm Beach County Historical Society, the Palm Beach County Genealogical Society, the Historical Association of Southern Florida, the Dade County Historical Board, the Florida Historical Society, and the Federation of Garden Clubs.

[From the Cocoa (Fla.) Tribune
June 27, 1969]

BREVARD SPOKE UP; WASHINGTON HEARD

Brevard residents, along with friends elsewhere in the nation, told their state and federal representatives through the Evening Tribune public service project they wanted Cape Kennedy renamed Cape Canaveral.

The Florida Legislature, sparked by Sen. Beth Johnson, R-Cocoa Beach, then went on record as wanting the Cape geographical area's name changed to Canaveral.

U.S. Sen. Spessard L. Holland, D-Fla., is now preparing legislation to seek the name change.

Sen. Holland is working with U.S. Sen. Edward J. Gurney, R-Fla., and Sen. Edward M. Kennedy, D-Mass., on the bill which would undo President Johnson's administrative order to name the local area in honor of the slain President Kennedy.

U.S. Rep. Lou Frey, R-Fla., is also active in this Washington move to return the Cape Canaveral name.

We believe this is democracy in action. Here is proof that the people can speak and still be heard in Tallahassee and Washington.

It might be appropriate at this time to reflect a bit on this current lesson in democracy.

For some years, Brevardians talked among themselves about the manner in which President Johnson removed the historical Canaveral name. Our residents weren't only upset because the President did not first consult them, but they were also hurt over losing a name that was in use for over 400 years.

The Tribune decided early this year that the issue should be brought to a head. Talk among Brevardians had been going on long enough.

We started the What's Your Opinion? poll to get a true sample of exactly how the people here felt about the Cape name. The several thousand poll coupons readers clipped from The Tribune showed over 92 per cent wanted the name Cape Canaveral restored.

These newspaper opinion coupons and stories were sent to Sens. Holland and Gurney and Rep. Frey.

Meanwhile, support for returning the Cape Canaveral name came from other groups. The Missile, Space and Range Pioneers, Inc., took a strong stand in favor of Canaveral.

The latest backing for putting Canaveral back into the name came earlier this month from the Brevard County Historical Commission and the Florida Historical Society, who sent a joint resolution to President Nixon.

Although the effort has not yet reached a successful conclusion, there is still considerable hope that it will one day be Cape Canaveral and John F. Kennedy Space Center to make everyone happy.

Despite the hurdles still to be jumped, it should give every one of us a good feeling to know that the wants of the people in Brevard are noticed in Washington and Tallahassee by our representatives. And that these officials will try hard to carry out the wishes of the people electing them.

[From the Cocoa Today, June 28, 1969]

RESTORE CANAVERAL

TODAY fully supports the efforts of the Brevard County Historical Society, the Florida Historical Society, Brevard's State Sen. Beth Johnson, the Florida Legislature and U.S. Sen. Spessard Holland to restore the name Canaveral to our cape.

The name was changed a few days after the assassination of President Kennedy and became only one of hundreds of name changes that expressed the nation's grief and reverence for the late chief executive.

But sorrow has its limits, and so do memorials.

John F. Kennedy is sufficiently honored in Brevard County by the Kennedy Space Center and other public and private facilities that bear his name.

Removing his name from an historical landmark, that centuries before bore another name is no dishonor, nor is it intended as such by those who seek to restore the name of Cape Canaveral.

We agree with the resolution adopted June 9 by the Florida Historical Society:

"Our late president . . . deeply aware of the profound value and significance of the great historic past of the U.S.A., untiring in his efforts to make the memorials of the past living and real to every citizen, would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death."

The restoration of Canaveral is appropriate, the historical society points out, because it is the "oldest known and most continuously used landmark on the American Atlantic coast; its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even Cape Cod . . ."

It is fitting for the nation's space center to bear the name of the President who established the goal of putting Americans on the moon in this decade, a goal that shortly will be achieved.

It is also fitting that a landmark of great historical significance be allowed to keep its original name.

[From the Tallahassee Democrat, July 1, 1969]

LET'S RESTORE THE NAME

When President Johnson changed the name of the space facilities at Cape Canaveral, by executive order, to honor John F. Kennedy, it appeared to be a fitting memorial to the late President.

But many felt it improper to change also the historic name of the cape to Cape Kennedy. Now there is a strong movement to get the old name of the geographical area restored. It is movement that has merit.

When a newspaper poll was conducted in Brevard County, some 93 per cent of those participating were in favor of the restoration. In addition, a number of historical groups, including the Florida Historical Society, have passed resolutions asking that the old name be retained.

In its spring session, the Florida Legislature approved a concurrent resolution asking President Nixon to change the name back to Canaveral while continuing to honor the late President by retaining the name of the John F. Kennedy Space Center for the space program facilities there.

This request is fair and reasonable and ought to be honored. The history contained in the name Canaveral shouldn't be lost. It should continue to be recognized as a significant landmark.

The legislative resolution provides the old name should not be restored without the consent of the late President's brother. Sen. Edward M. Kennedy. This is a courtesy to the Kennedy family that reveals an underlying concern for the family's feelings.

There is a good chance Senator Kennedy will be impressed with the desire of so many people and will consent to the restoration, fully realizing the memory of his brother will continue to be honored through the space center.

The name Cape Canaveral is that of the oldest known and most continuously used landmark on Florida's Atlantic Coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.

Canaveral was on navigation charts even before the Mississippi River, Cape Hatteras or Cape Cod. It ought to be given back its rightful place on the maps.

[From the Star Advocate, Titusville, July 11, 1969]

HISTORIC BATTLE ON TO RENAME CAPE

(By George Gardner)

An historic battle is being waged in the midst of preparations for America's greatest space age achievement.

Sandwiched in with news information and public relations reports about Eagle and Columbia (Apollo II code names for the Lunar and Command Modules), torques and first steps and lunar trajectories, is a flier produced by the Brevard County Historical Commission.

"Now therefore be it resolved that, with profound respect for the memory of the late President John F. Kennedy . . . that . . . the Board of Geographical Names should change the name 'Cape Kennedy' to that of 'Cape Canaveral' in order that the title of this most ancient of our historical landmarks should be restored and preserved for the honor of this nation forever . . ."

The resolution, passed in May by the Florida Historical Society and in June by the Brevard County Historical Commission, this prelaunch week became part of a flier aimed at capturing the attention of the world's press and VIP's.

"Rename Canaveral" includes four newspaper clipping reproductions showing both support for the change and a portion of the historical commissions' struggle.

Mrs. Claire Ewertz, Titusville member of the county historical commission, began distribution of some of the 3,000 fliers Thursday, placing a bundle at the museum showcase in the county courthouse lobby.

"The hardest part is to make people understand why we want the name changed back," Mrs. Ewertz said, "To show the historical significance of a Cape known as Canaveral since 1513, without showing disrespect for the late president or the area making today's history."

Support for the name change is as timely as the commission's effort. Florida's U.S. Senators Spessard L. Holland and Edward J. Gurney Thursday introduced a resolution to return the name "Canaveral" while retaining the memory of the slain president in Kennedy Space Center, actual site of the Apollo 1 Saturn 5 mission launches.

And the Brevard County Commission has apparently never yielded its support of the name "Cape Canaveral." The bottom of its official letterhead stationery has the epithet. "Home of Cape Canaveral."

Supporting the U.S. Senate proposal, Senator Holland called the original name change to "Cape Kennedy" after the president's assassination "ill-advised."

"Understandably," said the senator, "during our period of mourning some things were done without our properly thinking through the actions taken."

Pleading for a return to the 400-year-old Cape name, Holland said, "It's what the people of Florida want, as expressed by the resolution of the Florida Legislature."

[From the Polk County Democrat, July 14, 1969]

IT SHOULD BE CANAVERAL

(By S. L. Frisbie, IV)

In an ever-so-carefully-worded press release, Senators Holland and Gurney have announced that they are asking the Congess to restore the original name to Cape Canaveral.

Their resolution provides that the space center located at the Cape continue to be named for the late President Kennedy.

Their proposal is an ideal solution to one of Florida's least important but more vexing problems.

In the wave of national grief which followed President Kennedy's assassination, Cape Canaveral, Florida's contribution to scientific advance, was re-named to honor the late President.

There are at least three versions of how the name change came about: (1) Governor Bryant, acting without consulting either the Legislature or the people of the area, offered to change the name; or (2) President Johnson asked Governor Bryant to change the name, and the Governor agreed; or (3) Jacqueline Kennedy asked President Johnson to ask Governor Bryant to change the name which he did and he did.

In any event, the Cape was re-named, much to the consternation of a great many Floridians. Despite their grief at the death of President Kennedy—doubtless one of the most personable men ever to hold the job—the people of this state were far from unanimous in their approval of the Kennedy administration's political policies.

At the time the name was changed, it was unthinkable that Floridians appear so heartless as to demand that the action be rescinded. The city of Cape Canaveral—not to be confused with the nearby geographical land mass which had borne the same name—quietly refused to change its name. Many Floridians quietly continued to call the Cape by its familiar name.

Now that the nation's grief has passed, aided by the passage of time and the dissipation of Jackie's lovable mystique with the American public, the time is right for the restoration of the original name.

As was recognized shortly after the Canaveral name change, the rush to re-name public lands and facilities after the late President served to cheapen, rather than honor, the name of the assassin's victim.

Cape Canaveral—the land feature, that is—appeared on maps and charts of world navigators well over 400 years ago. That is a claim that even the states of the nation cannot make.

By contrast, the space facility on that land is an exciting adventure—a link with the future that scarcely could have been imagined at the time of John F. Kennedy's birth.

It is a fitting tribute to a man whose personal vigor typifies the spirit of adventure of the space age that the space center bear his name.

Congress should have no hesitation in restoring the historic name to Cape Canaveral and retaining the Kennedy name at the space center where history is being made.

[From the Ocala Star-Banner, July 17, 1969]

IT SHOULD BE CANAVERAL

As America's Apollo 11 astronauts speed toward the moon and the historic landing on the lunar surface, the drive to restore the name "Cape Canaveral" to the historic Atlantic Coast landmark continues to gain momentum.

Earlier this year the Florida Legislature, with the backing of the Florida Historical Society, called on Congress and President Nixon to change the name back to Cape Canaveral.

Recently, Sens. Spessard Holland and Ed Gurney introduced a resolution to restore the name of Cape Canaveral and retain the name of John F. Kennedy Space Center. The cape is enriched in history. In fact, it is one of the oldest landmarks in the Western hemisphere, Ponce de Leon having discovered it more than 400 years ago.

Canaveral was a name familiar to many persons long before it was selected as site of this nation's great moonport. Those who live in the immediate area strongly prefer the Cape Canaveral name to that of Cape Kennedy.

It will be recalled the change in name was made shortly after the tragic assassination of then President John F. Kennedy. And while it apparently was done on the spur of the moment, it did at the time seem appropriate, although even then there was considerable opposition to the switch.

During the period of mourning following that fateful day in Dallas many things were done spontaneously without a proper thinking through of the actions taken. Changing of the ancient and historic name of Cape Canaveral was one of them. Historic sites should not be affected by current events to the extent of changing names.

Certainly there is nothing in the movement to restore the name of the Cape to Canaveral that should be considered as disrespectful toward the late President.

A vast majority of Floridians, and we are confident most of our citizens throughout the land, favor the designation of the John F. Kennedy Space Center as a fitting and lasting memorial to a President whose foresight and inspired leadership did so much to enable this nation to reach the point where it today has men on their way to the moon.

Hopefully the Kennedy family will recognize the desire of Floridians as well as the propriety of restoring the name Cape Canaveral to history books and maps.

John F. Kennedy, during his aborted career in public office, succeeded in writing a place for himself in history. His achievements and the devotion millions of Americans had for him are such that he long will be remembered without it being necessary to have a cape named for him.

[From the Eustis Lake Region News, July 24, 1969]

LET IT BE CAPE CANAVERAL

Legislation has been introduced in Congress to restore the name "Cape Canaveral" to the historic Florida Atlantic Coast landmark which was designated "Cape Kennedy" in November 1963 in honor of the late President John F. Kennedy.

The resolution, introduced by Senators Spessard Holland and Edward Gurney, has the support of the Florida State Legislature.

The name Cape Canaveral is one of the oldest known and most continuously used place names on the American Atlantic Coast. The discovery of this landmark is accredited to Ponce de Leon and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras and Jamestown bore their proud names. It was in use on maps and charts of world navigators more than 400 years ago.

This change in no way disturbs the present name of the United States space installation at the Cape. This was named the Kennedy Space Center in memory of the late President Kennedy and residents of Florida are glad the late President was honored in this way.

However, the geographical name of Cape Canaveral is one of the oldest in the western hemisphere and the people of Florida wish this ancient name preserved.

[From the Winter Haven Daily News-Chief, July 25, 1969]

CAPE CANAVERAL

We never were for the change of the geographic name of Cape Canaveral to Cape Kennedy and now four of our elected officials have entered bills in the Congress to rectify that situation. Senators Ed Gurney and Spessard Holland put their bill in the Senate last month. On Wednesday Representative Louis Frey Jr. and William V. Chappell Jr. entered a similar bill in the House.

Practically from the first moment when the name of the Cape was changed there has been opposition to it. This desire to see the original name used once again came to a head in the last session of our state legislature when a bill was unanimously approved calling for the geographic change. The newly-entered bills in Washington would have nothing to do with the name of the Kennedy Space Center; it would remain the same.

One of the main reasons people have been trying to get it changed back is that that name was tagged on to the Cape by none other than Ponce De Leon, the Spanish explorer. In 1564 a Spanish map carried the name as Cape Canaveral and it was that way for 399 years until the Kennedy change. This is just one of those things that occurred in the heat of the moment; now is the time to rectify that error.

[From the Clearwater Sun, Aug. 3, 1969]

MOVEMENT GROWS FOR CHANGING CAPE NAME BACK TO CANAVERAL

(By Reinhold Rogers, Jr.)

Last week in this space we commended the growing movement by many Florida citizens to have the ancient geographical name of Cape Canaveral reinstated, with the space center located there to keep the honored name of John F. Kennedy.

Our two Florida senators, veteran Spessard L. Holland and the junior senator, Edward Gurney, have, as we pointed out, introduced Senate Joint Resolution 133, which would restore the Canaveral name through the medium of congressional action. Such action would, as should be recognized, save possible embarrassment to President Richard Nixon, as he would not have to reverse the decision of former President Lyndon B. Johnson, who ordered the double-barrel name change in 1963.

Since last week's editorial here appeared, reaction has been both strong and completely favorable. We urged our readers to write to the two senators in Washington, and to our own Pinellas congressman, William C. Cramer, and give support to the movement to restore the geographical name to the cape itself. The space center with its huge layout, would, of course, keep forever the great Kennedy name.

MOVE APPLAUDED

We have received telephone calls from a number of people in this area applauding the new move, and in a letter from Circuit Court Judge James R. Knott of the Fifteenth Judicial Circuit at West Palm Beach, a former president of the Florida Historical Society, news that copies of last week's editorial here have been sent to Senator Holland and several others interested in the name change.

Judge Knott, as a Floridian and as a Florida historian, is one of the leaders in the state in supporting the congressional action initiated by the two senators in Washington.

Several members of the Pinellas County Historical Commission, which is part of the official county government, have indicated they too favor the restoration, and the commission is expected to take formal action at its meeting later this month.

Also, we have been informed that Sen. Holland has talked personally with Sen. Edward Kennedy about the proposal to keep the geographical name, and that Kennedy and the family would make no objection, since the space center itself would continue to be known as the John F. Kennedy Space center in honor of his brother.

RETENTION URGED

Here at home Mrs. Stephen A. Kallis Sr., of Dunedin, has provided us with particularly interesting correspondence on the subject. In November, 1963 she wrote to President Johnson, Florida's Gov. Farris Bryant, Senators Holland and George Smathers and Congressman Cramer, urging that the Canaveral name be retained for the cape and the Kennedy designation apply only to the space center.

Mrs. Kallis received replies from everyone except President Johnson.

Gov. Bryant wrote that "As a native of Florida I love our history and honor the cultures which have been a part of it. As a citizen of Florida I am glad, too, for the greatness that has come to her in this generation. Hundreds of years ago it was appropriate that the cape be named for a sugar cane field. That, I assume, is what it was. Today the millions who come to Florida find a new frontier of the mind. In a greater degree than any other man, John F. Kennedy symbolized that frontier. I think it appropriate to call it Cape Kennedy."

The governor ended his two-page letter by quoting Shakespeare's lines about "What's in a name . . ."

Sen. Holland explained that he had presented to the Domestic Geographic Names Committee prior to its meeting on Dec. 10, 1963, the many comments he had received from the people of Florida, but that he understood the committee considered the decision made on Nov. 27 and announced by the President on Nov. 28 to be final. The mem-

bers had been polled by telephone earlier and had approved the President's suggestion on the name change, Holland explained.

STEPS DESCRIBED

Sen. Smathers also described the steps which led to the change, pointing out that the Secretary of the Interior had approved the action of the committee, and that "no approval of congress is necessary."

The letter from Congressman Cramer, as might be expected from a member of the opposing political party, was more outspoken in his reaction to the name change by President Johnson.

Cramer wrote that he had "raised publicly" the question as to "whether the President has the power to change the name of an area which the federal government does not own, there being some non-governmental property on Cape Canaveral."

The letter also stated that the congressman had questioned the propriety of renaming an historical site. "It appears," the letter said, "that considerable opposition is being raised to this phase of the proposal."

It is good, we say again, to see that the "considerable opposition" of 1963 is finally piling up and that it has high hopes of proving successful. And once more we say, let the people at Washington know your feelings.

[From the Melbourne Sunday Times, Aug. 10, 1969]

WANT IT TO BE CAPE CANAVERAL?—SAY SO!

All Florida residents should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to the Sunshine State's oldest landmark.

This proposal was aired in the final days of the '69 session of Florida state legislature and now is before the United States Congress.

It has the endorsement of Florida Historical Society and according to newspaper polls is favored by 93 per cent of the people who live and work in this county.

Which means if it came to referendum, it would be restored as Cape Canaveral.

But if voter apathy is a problem in this nation, how about communication gaps?

Since we won't be voting but our Congressmen will, why not a concerted effort to contact U.S. Sen. Spessard Holland, U.S. Senator Edward J. Gurney, Congressman Lou Frey Jr. and Congressman William v. Chappell.

Senate or House Office Building should be sufficient address to insure delivery of written communications.

We are indebted to Circuit Judge James R. Knott, Palm Beach, president of the Florida Historical Society, for the following contribution for our editorial comment column:

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President John F. Kennedy was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

Let Washington hear from you.

[From the Palatka Daily News, Aug. 20, 1969]

RENAME THE CAPE

Emotion sometimes puts a hammerlock on judgment and a decision is made which is regretted as time skips along.

We believe an outstanding example of this was the almost hysterical race to change long-standing names of places and things to Kennedy after the popular president was shot down in Dallas.

Cape Canaveral was included on the honor list and became Cape Kennedy not too long after the tragedy. This was very likely the most prominent case of name-swapping in view of the Cape's role in man's march toward the stars.

Now there are second thoughts and a campaign is underway to restore the designation of Cape Canaveral to its original status. The Florida Legislature is pushing this about-face and popular sentiment is in favor of the change.

We believe John F. Kennedy is assured of his proper place in history. His death was tragic, meaningless and will be shrouded in mystery for years to come. He was off to a running start toward that goal called "Greatness" and few will deny his stature.

However, we believe his name is borne by a sufficient number of locations, facilities and even people to insure the perpetuation of this man's memory.

As far as the space program is concerned, many other sites are a testimony to the respect and honor in which he is held by the American people.

We endorse and strongly urge the early restoration of the name, Cape Canaveral. This action would be both logical and have special meaning to Florida's history.

[From the Winter Garden Times, Aug. 21, 1969]

CAPE CANAVERAL

We never were for the change of the geographic name of Cape Canaveral to Cape Kennedy and now four of our elected officials have entered bills in the Congress to rectify that situation. Senators Ed Gurney and Spessard Holland put their bill in the Senate last month. On Wednesday Representative Louis Frey Jr. and William V. Chappell, Jr. entered a similar bill in the House.

Practically from the first moment when the name of the Cape was changed there has been opposition to it. This desire to see the original name used once again came to a head in the last session of our state legislature when a bill was unanimously approved calling for the geographic change. The newly-entered bills in Washington would have nothing to do with the name of the Kennedy Space Center; it would remain the same.

One of the main reasons people have been trying to get it changed back is that that name was tagged on to the Cape by none other than Ponce De Leon, the Spanish explorer. In 1564 a Spanish map carried the name as Cape Canaveral and it was that way for 399 years until the Kennedy change. This is just one of those things that occurred in the heat of the moment; now is the time to rectify that error.

[From the Deland Sun News, Aug. 24, 1969]

COURTHOUSE COMMENTS

(By Helen Coble)

Circuit Judge Wingfield is a man who has devoted thousands of hours researching Florida history, especially that of Volusia County.

He urges that we all support a resolution in Congress to restore the name "Cape Canaveral" to the historic Atlantic coast landmark. It was renamed Cape Kennedy in honor of the late President John F. Kennedy.

No one wants to rename the Space Center which also was named after President Kennedy.

U.S. Senators Spessard Holland and Ed Gurney have introduced a resolution to restore the name of the historic site to Cape Canaveral.

Those advocating this change should write or wire the Congressional delegation urging adoption of the resolution.

I personally join with Judge Wingfield in asking your support for this change.

Florida is rich in history and we have room for both Cape Canaveral and the Kennedy Space Center.

[From the Orlando Sentinel, Sept. 14, 1969]

CAPE'S OLD NAME NEAR?

(By Bruce Dudley)

It appears the Cape Canaveral name battle is about to be won.

This is the concensus of people who have been closely watching the name-change battle since the first time the land mass in Brevard was changed to Cape Kennedy.

But it now appears Cape Canaveral will become, once again, Cape Canaveral—and not be Cape Kennedy.

This is the observation of Hampton Dunn in the September issue of Florida Trend magazine.

Dunn observes many Floridians "have seethed over this switch of a name of a piece of real estate that appeared on maps as early as the 1530s."

If Congress acts favorably on a Florida-backed resolution, action taken by former President Lyndon B. Johnson will be wiped out. An active movement to repeal Johnson's action has gone on since the moment of his announcement.

The 1969 Florida Legislature, with the strong support of State Sen. Beth Johnson, called for a return to the historic title. And U.S. Sens. Edward Gurney and Spessard Holland now have jumped on the bandwagon with Florida House members.

In his account of the name battle, Dunn relates several interesting facts, including:

. . . The time Fort Castillo de San Marcos at St. Augustine once was renamed "Fort Marion" to honor an American hero, and how the original Spanish name was restored.

. . . The charges of critics that LBJ would not "change the name of the Alamo to Fort Kennedy."

. . . The fact that a French artist named Jacques LeMoyne drew a map in 1564 using Cape Canaveral, by that name, as a landmark when he accompanied the Huguenots on their journey in Florida.

It's also been reported that as early as 1544 an outline believed drawn by one of Hernando de Soto's band showed the cape and called it C. (Carbo or Cape) de Canaveral. The word "Canaveral" is Spanish and means "fields of high reeds," obviously from the canelike growth in the area.

Therefore, it is obvious why the name Cape Canaveral should be restored to the area which had borne that name for over four centuries.

The space center itself, if Congress acts on the Florida resolution still will be called the Kennedy Space Center. But the protruding land mass with its distinctive land markings again will be called Cape Canaveral.

And all this doesn't really make any difference to the real old-timers in the area.

They never stopped calling it Cape Canaveral anyway.

[From Florida Trend, September 1969]

FLORIDA'S PAST—RESTORE "CANAVERAL" TO CAPE, CITIZENS ASK—MOVEMENT UNDERWAY IN CONGRESS TO RETURN THE CAPE'S HISTORICAL NAME AND KEEP KENNEDY NAME ON SPACE CENTER

(By Hampton Dunn)

It now appears that Cape Canaveral soon will become, once again, Cape Canaveral—and not be "Cape Kennedy."

If Congress acts favorably on a Florida-backed resolution to switch back to the historic name which the cape wore proudly for more than four centuries, it will wipe out an action taken by former President Lyndon B. Johnson during the emotional period that followed the assassination of President John F. Kennedy.

Many Floridians have seethed over this switch of a name of a piece of real estate that appeared on maps as early as the 1530's. An active movement to repeal Johnson's action has gone on since the very moment of its announcement.

The 1969 Florida Legislature called for a return to the historic title, U.S. Sens. Spessard L. Holland and Edward J. Gurney with the support of all Florida House members except Congressmen Claude Pepper and Dante Fascell, both of Miami, have called for Congressional action to get the job done.

Reaction. Reaction to the Johnson order was immediate and strong. The Florida Historical Society, an organization of history-lovers dating back to 1856, convened in Tampa on Dec. 9, 1963, and expressed displeasure over the name change. It did support the naming of the Space Center at the cape for President Kennedy, but pleaded "That the name of 'Cape Canaveral' be preserved as the geographical designation of the general area which has borne that name for over four centuries."

"Would you," critics asked LBJ, "change the name of the Alamo to Fort Kennedy?"

A Tampan who identified himself as "a humble student of Florida history," F. Hilton Crowe, in a letter published Dec. 15, 1963 in *The Tampa Tribune* recalling that Fort Castillo de San Marcos at St. Augustine once was renamed "Fort Marion" to honor an American hero, but later the original Spanish name was restored.

Meanwhile, an elderly scholar and writer of Florida history, plucky Mrs. Marjory Stoneman Douglas of Miami, observed: "Nobody in Massachusetts would let anybody change the name of Cape Cod to Cape Kennedy!"

One of Oldest. Indeed, Cape Canaveral is one of the oldest names in American history. The low, sandy cape that juts out into the inshore current was discovered by the Spanish explorer Ponce de Leon on his first voyage to Florida, which he discovered in 1513. Because of opposing tides and currents at this spot near the Gulf Stream (which Ponce de Leon also discovered), the Cape was named "Cabo de las Corientes," the Spanish for Cape of the Currents. A flood of arrows unleashed by hostile Indians chased de Leon and party on their way.

Who changed that name to Canaveral is not recorded in history. But when a French artist named Jacques LeMoyne accompanied the Huguenots on their venture to Florida in 1564, he drew a map of the state and there as a landmark of the time was Cape Canaveral by that name.

It's also been reported that as early as 1544 an outline believed drawn by one of Hernando deSoto's band showed the cape and called it C. (Cabo or Cape) de Canaveral. The name Canaveral is Spanish and means "fields of high reeds," obviously from the canelike growth in the area.

Some claim the Indians named Canaveral and the name means "place of the high winds" in Indian language. It also is noted that Pedro Menendez de Aviles, who founded St. Augustine on Sept. 8, 1565, used the name of Cape Canaveral in a letter he wrote a few days after landing. That's where he first sighted Florida.

Demand Strong. The feeling that Cape Canaveral should get its rightful name back is strong and widespread. The Gannett newspaper, *Today*, published in Cocoa, took a poll of its readers on the question and 92.8 per cent responding demanded, "Change it back!"

State Sen. Beth Johnson, Republican lawmaker who represents the area, supported a resolution in the Legislature calling for the change. She was critical of the LBJ action that made it "Cape Kennedy."

Many Florida newspapers howled for restoration of the original name:

Boca Raton News—"It's difficult to alter the tide of history. It's been tried many times, but the names and faces, the places and dates keep coming back. Many Floridians, native as well as adopted, felt a twinge of remorse when the name of Cape Canaveral was changed to Cape Kennedy. . . . On the eve of our country's historic flight to the surface of the moon, it doesn't hurt to harken back to the landmarks the old mariners once used. After we chart the moon, maybe we can dust off the old charts of earth and bring back that piece of history that Cape Canaveral means to Floridians."

Tampa Tribune—"The name switch should never have been made. Historic American sites ought not to be renamed because of circumstances."

Historian of Note. No one wants to offend the Kennedy family in the matter and extreme caution is being taken to handle the delicate matter. Senator Holland said he had discussed it with the late President's brother, Sen. Ted Kennedy of Massachusetts. Holland says: "I do not believe that John F. Kennedy, who was a historian of note, and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained through the years . . ."

Senator Kennedy's aide, David W. Burke, told the *Orlando Sentinel*: "The Kennedys are very appreciative of the Cape's naming for President Kennedy after his death. But if the Florida delegation feels there should be a change, it's up to them. There will be no other comment."

RESUMPTION OF TESTIMONY

Senator HOLLAND. There are many, many more in my file that are favorable, but to prevent duplication I shall not ask that they be included. I simply include enough, Mr. Chairman, to show the Statewide nature of the editorial support for the change, and for the resolution now pending.

I do ask, however, that the following five articles appearing in out-of-State newspapers be included in the record, as they lend support to the general views of the people of Florida in redesignating the area Cape Canaveral. These five articles come from newspapers in Manchester, New Hampshire; Lynchburg, Virginia; Chicago, Illinois; Rochester, New York; and Austin, Texas.

I have a list of them here, and I ask that the list be included, and that the articles be included in the record.

Senator ANDERSON. Without objection, it will be done.

OUT OF STATE NEWSPAPER ARTICLES AND EDITORIALS

1. Editorial appearing in the Manchester, New Hampshire *Union Leader*, under date of August 5, 1969, entitled, "Sensible Resolution."

2. Editorial appearing in the Lynchburg, Virginia *News* under date of July 18, 1969, entitled "Restore Canaveral."

3. Guest editorial appearing in the Chicago *Tribune* under date of August 14, 1969, as a reprint from the Richmond *News Leader*, entitled "Why Not Cape Canaveral?"

4. Article apearing in the Rochester, New York *Democrat and Chronicle* under date of June 27, 1969, entitled, "Restore Canaveral Name, Florida Legislators Ask."

5. Article appearing in the Austin, Texas *Statesman*, under date of July 11, 1969, entitled "Rocket Site Renaming Is Urged."

[From the Manchester Union Leader, Tuesday, August 5, 1969]

SENSIBLE RESOLUTION

Florida's two senators have asked Congress to change the geographic name of Cape Kennedy back to Cape Canaveral.

The resolution was introduced by Senators Spessard L. Holland, Democrat, and Edward J. Gurney, Republican. They said they would leave the "Kennedy Space Center" name unchanged.

This sounds to this newspaper like a very fine suggestion and would begin to undo some of the ridiculous name-changing that went on in the hysteria following President Kennedy's assassination.

This newspaper hopes the resolution of the Florida senators is speedily acted upon.

[From the Lynchburg (Va.) News, July 18, 1969]

RESTORE CANAVERAL

The Florida State Legislature recently adopted a resolution requesting the Congress to restore the name of Cape Canaveral which was changed to Cape Kennedy following the assassination of President John F. Kennedy in November 1963.

Last week, Florida's two senators—Spessard L. Holland, Democrat, and Edward J. Gurney, Republican—introduced a resolution in the Senate requesting the same thing.

Both the Legislature and the senators want to keep the name of the John F. Kennedy Space Center. They simply want the name of Canaveral restored to the cape. And, as Senator Gurney pointed out, President Johnson's executive order designating the Air Force station and the NASA installation as the Kennedy Space Center, makes no mention of the cape itself.

The name of the cape was changed, Gurney said, by the Board of Geographic Names, and was a mistake.

The name of Cape Canaveral goes back more than 400 years. It first appeared, as far as records are available, on a map dated 1530. It is one of the oldest names in the Western Hemisphere and is recorded on maps long before Cape Cod, Cape Hatteras and Jamestown. The discovery of the cape is credited to Ponce de Leon.

Said Senator Gurney:

"The people who desire the name change really want to preserve the historical significance of the name 'Cape Canaveral.' That is the reason for the introduction of the resolution, and that certainly is the reason for the unanimous support behind it. Everybody wants the name of the space installation to remain as it is today—the Kennedy Space Center. But the overwhelming sentiment is that the geographical point now known as Cape Kennedy be changed back to Cape Canaveral."

We agree. And apparently that was the intention of President Johnson in his executive order. Cape Canaveral has been associated too long with the history of the hemisphere to be arbitrarily removed. By all means, keep the name of the Kennedy Space Center—a fitting tribute to the President who had so much to do with its development. But give history back the name of Canaveral. We think John F. Kennedy would agree.

[From the Chicago Tribune, Aug. 14, 1969]

WHY NOT CAPE CANAVERAL?

Following the assassination of John F. Kennedy in November of 1963, his successor, Lyndon Johnson, issued an executive order renaming the space facilities at Cape Canaveral for the late President. The space installation subsequently became known as the John F. Kennedy Space Center.

In translating Mr. Johnson's executive order into action, tho, the board of geographic names erred, for the board went beyond the authority of the executive order and renamed the Florida cape called Canaveral in honor of the late President as well.

The unauthorized renaming of the cape has stirred up some long-standing reaction in Florida. Recently the Florida state legislature adopted a resolution to Congress, asking that the name of Cape Canaveral be restored. Both Florida Senators Spessard L. Holland and Edward J. Gurney support this resolution; they have introduced a resolution in the Senate to satisfy the state legislature's request.

Supporters of the restoration of the name of Cape Canaveral, thought to have been discovered by Ponce de Leon, point out that the name of the cape first appeared on a map in 1530. Few names in this hemisphere boast such an historical identity. As Sen. Gurney explained:

"The people who desire the name change really want to preserve the historical significance of the name 'Cape Canaveral'. That is the reason for the unanimous support behind it."

This seems a reasonable request. If the people of Florida want the name of Cape Canaveral restored, there appears to be no reason not to accede to their wishes, because the cape was illegally renamed in the first place.

[From the Rochester (N.Y.) Democrat & Chronicle, June 27, 1969]

RESTORE CANAVERAL NAME, FLORIDA LEGISLATORS ASK

WASHINGTON.—Florida Sens. Spessard L. Holland and Edward J. Gurney will join in a bipartisan resolution early next week to change the name of Cape Kennedy back to Cape Canaveral while continuing the name of the space center as a memorial to the late president.

The resolution is expected to be introduced Monday. It would direct the Interior Department's board of geographic names to rescind its 1963 order which changed the east central Florida coastal land mass known as Cape Canaveral to Cape Kennedy.

The measure would not, both senators stress, interfere with the name of the "John F. Kennedy Space Center" which the National Aeronautics and Space Administration operates as the principal activity in the area.

The proposed name change, passed by the Florida Legislature, requires the approval of Sen. Edward M. Kennedy, D-Mass., brother of the late president. It was understood that Kennedy has indicated no personal objection to changing the name of the geographical area back to what it had been called for many years but planned to discuss the matter with other members of his family before giving his formal approval to the resolution.

On the House side, members of the Florida delegation gave their endorsement at a meeting two weeks ago to the name change requested by the Florida Legislature. There was some disagreement yesterday, however, whether an act of Congress was required.

[From the Austin (Tex.) Statesman, July 11, 1969]

ROCKET SITE RENAMING IS URGED

WASHINGTON.—It was ill-advised to name Cape Kennedy in honor of the late President John F. Kennedy, Sen. Spessard L. Holland, D-Fla., said Thursday in offering a bill to restore the name Cape Canaveral.

Holland said the assassination of President Kennedy left the nation stunned with grief and he shared in the sorrow.

"Understandably, during our period of mourning some things were done without our properly thinking through the actions taken," Holland said.

Upon further reflection, he added, he became convinced the action taken by the Interior Department renaming the site Cape Kennedy was ill-advised.

Holland said the bill by himself and Sen. Edward J. Gurney, R-Fla., would provide that NASA and Defense Department facilities at the Cape—the site of all U.S. manned space exploration launchings—would continue to be known as the John F. Kennedy Space Center.

But he said the cape itself should retain the name it held for over 400 years.

"It's what the people of Florida want, as expressed by the resolution of the Florida Legislature," he said.

RESUMPTION OF TESTIMONY

Senator HOLLAND. In closing, Mr. Chairman, may I respectfully request the committee to give early and favorable consideration to our resolution. The desires of our people are indicated in the articles and editorials referred to above and are clearly brought out in an opinion poll taken by the *Evening Tribune*, a daily newspaper which serves the Cape area. The returns received exceeded 1,000 and indicate that 92.8 percent of those voting favored restoring the geographical area's name of Cape Canaveral.

Mr. Chairman, I am sure that the committee realizes that the Spanish background of Florida largely exceeds in time the total period during which we have been a part of this great Republic, either as a territory or as a State.

But just for the information of the committee, I would indicate that among many other Spanish place names which we have in Florida, and which are coupled to our Spanish background, are 29 names. All of them are junior, much junior in point of time, to the name Cape Canaveral.

Senator HOLLAND. Mr. Chairman, I am glad to present now my distinguished colleague, Senator Gurney, who I am sure will have a statement on this matter.

Senator ANDERSON. Senator Gurney, we are glad to welcome you here today.

STATEMENT OF HON. EDWARD J. GURNEY, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator GURNEY. Mr. Chairman, Senator Hansen, as my distinguished senior colleague from Florida has stated, I joined him in co-sponsoring this resolution to restore the name of Cape Canaveral to this geographical point in Florida.

I am not going to read my statement, here, because my senior colleague has so thoroughly discussed the whole subject.

I ask unanimous consent that my statement be inserted in the record at this point.

Senator ANDERSON. Without objection, that will be done.

CAPE CANAVERAL RESOLUTION TESTIMONY

Mr. Chairman, I am most happy to co-sponsor this resolution with my distinguished colleague, the senior Senator from Florida.

I reiterate what he has said, that the resolution before us to restore the historic name of Cape Canaveral represents the overwhelming sentiment of the people in the Cape area as well as other parts of Florida. During my six years of service in the House of Representatives, the Cape Canaveral area was part of my congressional district. I personally know many of the people who work at the Kennedy Space Center, and I can attest to the fact this is what the people in the Cape area desire. Over the years I have received hundreds of letters and petitions urging that the name be changed back to Cape Canaveral. A recent Gannett newspaper poll of the area showed 92.8 percent in favor of the name change. The Florida State Legislature recently joined in a bipartisan and nonpartisan unanimous resolution urging restoration of the name. It also represents the wishes of the congressional delegation from Florida.

Mr. Chairman, the name Cape Canaveral was one of the most ancient historical names in this hemisphere, going back well over 400 years. It is recorded on a map dated as early as 1530, and was used in charts and maps of world navigation dating back to the discovery and exploration of Florida. As a matter of fact, it may well be the oldest geographical point in the United States, certainly on the East Coast, recorded even before the ancient names of Cape Cod and Jamestown. I do not believe, as Senator Holland has pointed out, that John F. Kennedy, with his appreciation for our American heritage, would have wanted an action taken which would in any way deprive us of one of our most traditional historical landmarks.

I want to point out and to make it perfectly clear that the reason for the introduction of this resolution is solely to preserve the historical significance of the name Cape Canaveral. It is in no way intended to disturb the land area on which the John F. Kennedy Space Center, NASA, is located. Members of the area and of Florida are very glad that our late President was honored in such a fashion and feel that the Kennedy Space Center is a fitting and lasting memorial to his outstanding contribution to the space effort.

As you can see (map), Mr. Chairman, the Kennedy Space Center, NASA, no longer occupies the geographical land area of Cape Canaveral. At the present time only the Air Force eastern test range station No. 1 is located at Cape Kennedy. When the executive order, issued by President Johnson on November 29, 1963, designated the John F. Kennedy Space Center, both NASA and Air Force facilities were located at the Cape.

Actually, Mr. Chairman, I think the change of the name of the geographical point, Cape Canaveral, was never intended. The Executive Order issued by the President designated only NASA and Air Force facilities as the John F. Kennedy Space Center—no mention of the name Cape Canaveral, as a land area, was made in this document. (Exhibit #1)

On December 20, 1963, James E. Webb, then administrator of NASA designated the launch operations center, NASA, as the John F. Kennedy Space Center in accordance with Executive Order 11129. (Exhibit #2)

On January 22, 1964, by Special Order GA-7, General Curtis LeMay, then Chief of Staff of the Air Force, designated the Cape Canaveral Missile Test Annex, permanent installation number 1919 (referred to in Executive Order 11129 as Station No. 1) as the Air Force Station No. 1 at Cape Kennedy. (Exhibit #3)

These separate re-designations by Mr. Webb and General LeMay were required in order to distinguish the NASA and Air Force facilities which had been erroneously lumped together in the Executive Order due apparently to the haste in which it was issued.

Subsequent to the naming of the space center, NASA moved the John F. Kennedy Space Center from the Cape to previously acquired land in the Merritt Island area where it is located today. The Air Force facility, which is still at the Cape, is now called the Air Force Eastern Test Range Station No. 1 at Cape Kennedy. I make these distinctions in order to emphasize that restoration of the name Cape Canaveral will in no way affect the name John F. Kennedy Space Center.

In an entirely separate action from the Executive Order, the Board on Geographic Names of the Department of the Interior, the Federal agency responsible for such name changes, issued Bulletin 6303 designating the geographical feature Cape Canaveral as Cape Kennedy.

This action, Mr. Chairman, was highly irregular in several respects, and I believe it was actually a mistake. I have done quite a bit of research in this matter and without going into the details of the facts and circumstances, I can say that no hearings were held as required by law. The step was taken without consultation and without any reference to wishes of the people in the area. As a matter of fact, the full board, in violation of its own rules, was *not* consulted and did *not* meet. I do not know how it came about, but I do not believe that the intention at that time was really to change the name of the geographical area.

Mr. Chairman, in view of the hasty and ill-advised change in the original name "Canaveral" and the great demand to restore this historical name to this most ancient historical landmark, I urge this committee to give favorable consideration to this resolution.

RESUMPTION OF TESTIMONY

Senator GURNEY. Let me simply add a few things.

First of all, I represented the Cape area in the House of Representatives for six years, and during the time that the name change was made, and I certainly back up what Senator Holland has said, that it was the overwhelming sentiment of the people in the area that the name not be changed from Cape Canaveral to Cape Kennedy.

Also, as the Congressman representing the area, I received a great many communications outside of the particular area in Florida, and also outside of the State of Florida protesting the name change at the time.

I also want to emphasize that I join the sentiment of my senior colleague, Senator Holland, in saying just as determinedly as I can that there is no thought here in changing this name to in any way detract from the accomplishments of our late President Kennedy. He certainly was well beloved all over the country, in Florida, and in this area, too.

Certainly as far as the space program is concerned, which represents such an important part of this Cape area, no man in this nation ever did more for it than the late President Kennedy.

Of course, I do reiterate, too, that as far as the space activity there is concerned, it is known as the Kennedy Space Center. There is no thought of changing that. All of the people want it that way.

It is only the change of this geographical point in Florida from Cape Kennedy to Cape Canaveral that we are asking the committee to act on here today.

As Senator Holland stated, it is one of the oldest geographical names, not only in North America, but in all of this hemisphere. It does appear on maps as early as 1530, to our knowledge. I think it may well be that it is the oldest geographical recorded point in the United States, and that is chiefly the reason why, of course, we want to restore the name Cape Canaveral.

One other bit of information that I would like to bring to the attention of the committee is that I do recall quite vividly when the name was changed following President Kennedy's assassination. I personally contacted people down at the Board of Geographic Names that are responsible, of course, for changing the geographic names in this country, as far as Federal installations are concerned, and I did find out to my satisfaction that the procedure was most irregular, and actually I think it probably was a mistake.

One of the procedures required in changing names by this body is a hearing and taking of testimony. This was never done. No testimony was ever taken. As a matter of fact, no meeting was ever had of the Board on Geographic Names of the Department of the Interior.

It seems to have been done rather hastily by one or two people, and certainly by phone, if all of the Board was contacted.

My information at the time from people I checked with down there was that not all the Board was contacted at that time. So that I do think that perhaps here, if the committee is disposed favorably to act on this resolution, we are perhaps correcting a mistake more than anything else, and that the real intent, of course, was to rename the Kennedy Space Center, which was done, and with which we all agree.

I do hope that the committee can act favorably on this. It certainly does represent the overwhelming sentiment of the people in the area, of the people in the State of Florida, and as nearly as I can determine, of the people throughout the country.

Senator Holland introduced a number of editorials. Here are a few others, which were not included in his list, that I would like to enter at this time: One from the *Tampa Tribune*, one from the *Fort Myers News-Press*, and one from the *Sanford Herald*. I ask unanimous consent that these be included in the record at this point.

Senator ANDERSON. Without objection, it will be done.

RESTORE THE NAME

Cape Canaveral was one of the oldest landmarks in the Western hemisphere. Ponce de Leon discovered the cape more than 400 years ago and it was shown on maps long before such historic spots as Cape Cod and Cape Hatteras.

Canaveral, which means "field of high reeds," already was known to mariners the world over when it became this nation's missile development center after World War II. In the emotional period which followed the assassination of President Kennedy in 1963 the name of this sand spit jutting into the Atlantic was changed to Cape Kennedy by order of President Lyndon Johnson.

Senators Spessard Holland and Ed Gurney are asking Congress to restore the name of Cape Canaveral and retain the name of John F. Kennedy Space Center where space facilities are located.

The Florida Legislature supports this restoration.

The name switch should never have been made. Historic American sites ought not to be renamed because of circumstances. Because of the late President's interest in space it is proper that the space center bear his name.

Just as this week's moon shot from the Kennedy Space Center is one of modern history's great moments so is Cape Canaveral one of this state's links with earlier history. We hope Congress will restore to this Florida site its rightful name.

PUTTING CANAVERAL BACK ON THE MAP

A bill to restore the historic name of Cape Canaveral to what is now Cape Kennedy has been introduced in Congress by Senators Spessard L. Holland, Democrat, and Edward J. Gurney, Republican. Just as its sponsorship is bipartisan, so should its consideration by Congress be, for the bill is in no sense a slap at the memory of President John F. Kennedy, in whose honor the name was changed in 1963 in the immediate aftermath of his assassination. It is a move to preserve an ancient and historic place-name.

Sen. Holland declared, in introducing the bill: "I do not believe that John F. Kennedy, who was a historian of note and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained throughout the years. The name Cape Canaveral is one of the oldest known and most continuously used place-names on the American Atlantic Coast. The discovery of this landmark is credited to Ponce de Leon and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras and Jamestown bore their proud names. It was in use on maps and charts of world navigators well over 400 years."

Such a wave of sorrow and sentimentality swept the country upon President Kennedy's assassination on Nov. 22, 1963, that there was an ill-considered rush to rename places and things in his memory. Within the week President Johnson issued an executive order designating the facilities of the National Aeronautics and Space Administraton and the Defense Department located at Cape Canaveral as the John F. Kennedy Space Center. At the same time the Interior Department's board of geographic names, at Johnson's request, changed the name of Cape Canaveral itself to Cape Kennedy.

It is highly fitting that the facilities of NASA and the Defense Department at the Cape be named the John F. Kennedy Space Center. For it was Kennedy who committed the nation in 1961 to the goal of landing a man on the moon by the end of the decade, a goal that will be achieved if the Apollo 11 flight to be launched t day is successful. Holland and Gurney would not change this. Their measure specifically provides that the name of the John F. Kennedy Space Center shall be retained. But it would restore the historic name of Cape Canaveral to the land on which the space center is located.

The Florida Legislature has called for the restoration of the Canaveral name. A poll by the Brevard County newspaper Today showed 92.8 per cent of the people in favor of its restoration. It is undoubtedly what the people want, and Congress should heed their wishes.

OK-CANAVERAL!

What a suitable and proper time for Congressional action to re-appraise national sentiment—more precisely the feeling of Floridians—and let Cape Canaveral re-claim its proper name Canaveral and let the space center retain its designation as Kennedy.

We are strictly in sympathy with this move which now has become the official action of the Congressional delegation from our Sunshine State.

"Well Done," Senators Spessard Holland and Edward Gurney and Representatives Lou Frey and Bill Chappell. Your introduction of bills to restore the historic name of Canaveral is truly expressing the wishes of the vast majority of your constituents.

Party lines fade. Political rivalries are subdued. For out of the past comes the tradition of Cape Canaveral where Ponce De Leon, Spanish explorer in the unknown lands of the west, about 450 years ago, placed that designation.

Time has put into perspective the national emotions which led President Johnson to change the name to Kennedy, following the assassination of that youthful President.

With the successful conclusion of the "man-on-the moon" objective it is even more logical to retain the name of John F. Kennedy for the space center.

But surveys in the areas surrounding the space center show that the people there want to restore the overall designation as Cape Canaveral. We believe this to be proper, logical and timely!

RESUMPTION OF TESTIMONY

Senator GURNEY. That concludes my statement, Mr. Chairman.

I would like at this time to read a very short statement by State Senator Beth Johnson, who represents this county in the Florida legislature. She had hoped to be here this morning but was unable to come.

She has been one of the chief movers as far as the resolution in the Florida legislature was concerned, of a unanimous resolution asking that Congress change the name back.

Here is her statement:

STATEMENT OF HON. BETH JOHNSON, STATE SENATOR REPRESENTING BREVARD COUNTY, FLA., AS READ BY SENATOR GURNEY

It is my hope that Congress should join in supporting the resolution concerning the restoration of the name Cape Canaveral to our oldest Atlantic Coast landmark. This proposal has the endorsement of the Florida Legislature and the Florida Historical Society.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose untimely death shocked the nation. To destroy the historical associations attached to the name Cape Canaveral, the oldest name of any landmark on the American Atlantic Coast, is wrong in principle.

Ponce de Leon is credited with its discovery, in 1513, the year in which he discovered and named Florida. Its name was recorded on many of the earliest known Spanish and French maps and charts of world navigation for more than 450 years.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen.

The resolution being considered recommends that the name of the John F. Kennedy Space Center be retained for the space program facilities and that Congress restore "Cape Canaveral" to the geographical area of the cape in order that the title of this most ancient of our own historic landmarks should be recognized and preserved.

Senator GURNEY. I might also ask, Mr. Chairman, that the record might be kept open for perhaps a day or two. Our office has heard of a few who would like to include statements or telegrams.

In closing, may I say that I certainly join my distinguished senior colleague, Senator Holland, in urging the committee to take favorable action on our resolution.

Thank you.

Senator ANDERSON. Thank you very much, Senator Gurney.

Senator HOLLAND. Mr. Chairman, we have several distinguished citizens here from Florida who wish to be heard.

Before that, may I just say that prior to 1947, there had been a Board of Geographic Names established by Executive Order in the Department of the Interior. That Board was replaced on July 25, 1947, by a statute, and I ask that that statute, known as Public Law 242 of the 80th Congress be included in the record at this time.

Senator ANDERSON. Without objection, it will be done.

PUBLIC LAW 242—80TH CONGRESS, CHAPTER 330—FIRST SESSION, S. 1262

An act to provide a central authority for standardizing geographic names for the purpose of eliminating duplication in standardizing such names among the Federal departments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, hereinafter called the Secretary, conjointly with the Board on Geographic Names, as hereinafter provided, shall provide for uniformity in geographic nomenclature and orthography throughout the Federal Government. The Secretary may exercise his functions through such officials as he may designate, except that such authority as relates to the final approval or review of actions of the Board on Geographic Names shall be exercised by him, or his Under or Assistant Secretaries.

SEC. 2. There is hereby established a Board on Geographic Names, hereinafter called the Board. The membership of the Board shall include one representative from each of the Departments of State, War, Navy, Post Office, Interior, Agriculture, and Commerce, and from the Government Printing Office, and the Library of Congress. The Board may also include representatives from such Federal agencies as the Secretary, upon recommendation of the Board, shall from time to time find desirable, even though these agencies are in the departments otherwise represented on the Board. The members of the Board shall be appointed by the respective heads of the departments or independent agencies that they represent. Each member shall be appointed for a two-year term but may be reappointed to successive terms. The members of the Board shall serve without additional compensation. The Board shall nominate a Chairman to be appointed by the Secretary, and shall establish such working committees as are found desirable.

SEC. 3. The Board, subject to the approval of the Secretary, shall formulate principles, policies, and procedures to be followed with reference to both domestic and foreign geographic names; and shall decide the standard names and their orthography for official use. The principles, policies, and procedures formulated hereunder shall be designed to serve the interests of the Federal Government and the general public, to enlist the effective cooperation of the Federal departments and agencies most concerned, and to give full consideration to the specific interests of particular Federal and State agencies. Action may be taken by the Secretary in any matter wherein the Board does not act within a reasonable time. The Board may make such recommendations to the Secretary as it finds appropriate in connection with this Act.

SEC. 4. The Secretary shall cause such studies and investigations to be made and such records to be kept as may be necessary or desirable in carrying out the purposes of this Act, and he shall provide a place of meeting and staff assistance to the Board. The staff shall be responsible to the Secretary, who shall prescribe its relations to the Board and the committees of the Board. The Secretary may establish from time to time, upon recommendation of the Board, advisory committees of United States citizens who are recognized experts in their respective fields to assist in the solution of special problems arising under this Act.

SEC. 5. For the guidance of the Federal Government, the Secretary shall promulgate in the name of the Board, from time to time and in such form as will carry out the purposes of this Act, decisions with respect to geographic names and principles of geographic nomenclature and orthography. The Secretary shall also furnish such additional information with respect to geographic names as will assist in carrying out the purposes of this Act.

SEC. 6. With respect to geographic names the pertinent decisions and principles issued by the Secretary shall be standard for all material published by the Federal Government. The United States Board on Geographical Names in the Department of the Interior created by Executive order, is hereby abolished, and the duties of said Board are transferred to the Board herein created, and all departments, bureaus, and agencies of the Federal Government shall refer all geographic names and problems to the said Board for the purpose of eliminating duplication of work, personnel, and authority.

SEC. 7. Nothing in this Act shall be construed as applying to the naming of the offices or establishments of any Federal agency.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

RESUMPTION OF TESTIMONY

Senator HOLLAND. In strict accord with Section 3 of that statute, the Board issued regulations covering the principles to be followed in change of name, and published for the information of the public the list of those principles, and I simply wish to state that there are 15 of them, but that there are four of them that I think were given little consideration, if any, in the name change that was accomplished between sunrise and sunset, in the one day, as my statement has already indicated.

The first regulation is that names in dominant local use generally are retained. This had been in dominant local use for all of the time of Florida's history.

Second, euphonious and suitable names of Indian or foreign origin are retained. Of course, the name Cape Canaveral is of Spanish origin, as already stated.

Rule 14, an existing name should not be replaced unless it is a duplicate or is inappropriate.

And 15, Acts of State legislatures, municipal councils, and other local governing bodies regarding geographic names are usually accepted unless application of the names would be in conflict with naming principles followed by the Board.

Mr. Chairman, all 15 of those rules can be discussed if the committee wishes to, and I will leave the bulletin issued by the Board of Geographic Names here for the committee, but I have quoted into the record the four rules which I think were particularly applicable in this case, and which were not apparently followed by the Board in its action in 1963.

Now, Mr. Chairman, it is my pleasure first to present Mr. Adam G. Adams, of Miami, who is the Chairman of the Dade County Historical Board, and he was former President of the Florida Historical Association of South Florida, and former Director of the Florida Historical Society, and he served as Chairman of the Civil War Centennial Commission of Florida, a well known historian, and a distinguished citizen of Florida, Mr. Adams.

STATEMENT OF ADAM G. ADAMS, CHAIRMAN, METROPOLITAN DADE COUNTY HISTORICAL BOARD

Mr. ADAMS. Mr. Chairman, my forte, if I should have one, is local history, the history of Florida.

The Senator has covered well most of the historical facts about Cape Canaveral.

Let me say the authenticity of the history of Florida is laid on a firm foundation. The Spanish kings required that those who visited new and strange countries send home written accounts of their experiences and of what they saw. Philip the Second was on the Spanish throne during most of the time that discoveries on the Florida coast were being made and maps drawn.

After Columbus landed, the Spanish attention was drawn naturally to the West, where gold and silver were found. It was some 20 years later that Juan Ponce de Leon discovered Florida, in 1513.

You will notice all along that people use different dates, slightly different dates for events in those far-off times.

Let me quote now from an article by Marjory Stoneman Douglas. The article is before you in a little magazine known as *Muse News*, on page 164.

"The most prominent landmark on the East Coast of Florida has for geological ages been the great hook of sand, with its curving, once swampy bight to the southward, which was known to European explorers for over four hundred years as 'Cape Canaveral.'

Ponce de Leon must have seen it a little while after he made the discovery of Florida in 1513."

We don't know that he actually did.

"He recognized its rough currents and landed both to the north and to the south of it. Its name on one of the earliest maps was 'Cabo Corrientes,' meaning 'currents,' came from Herrera's account of the Ponce de Leon expedition. The name 'Cape Canaveral' was marked very clearly on two maps, reproduced in the David O. True Collection, 'Early Maps in Relation to Florida.'

"These are the Spanish map of Herran de Soto and the French map of Rene's de Laudonniere of 1541–44. But since neither of these expeditions ever saw that part of the East Coast"—but I think that is an error. I believe Laudonniere did—"we can be sure that they were copied from still earlier charts, maps which have disappeared, indicating to trained historical cartographers the source of the name 'Canaveral.' But Canaveral is plainly seen on a 1536 map (of which there is a reproduction), that includes Florida and the Gulf of Mexico, from St. Elena to Panuco"—St. Elena is on the Georgia Coast, and Panuco is a town on the southern end of Texas—"It is the 'Alonzo de Chavez' map. It was placed in the Spanish Archives at some early date and then sent out to Mexico to be used by the ill-fated expedition to Pensacola by Tristan de Luna in 1557. A photograph of the map is reproduced in *The Luna Papers*, Vol. 1, and also in *The True Relation of the Fidalgo of Elvas Papers*, Vol. II, 1557, both in the fine editions of the Florida State Historical Society.

"The name 'Canaveral' is Spanish, translated as 'Cane Bearer.' They were not sugar canes, but the tall reeds with tips hardened by fire, which the Florida Indians used as arrows, such as the one that wounded Ponce de Leon on his second voyage to the lower West Coast and later killed him.

"The Cape was probably named, so far as we can tell now, on an expedition along the Florida coast by Lucas Vasquez de Ayllon, the slaver who discovered the Carolinas. At all events there is no question that the name has been applied to this best-known landmark on the Atlantic Coast of North America for well over four hundred years."

A copy of the 1541–1544 map is before you. It has been called "The Alonzo de la Cruz" map, and also "The De Soto Map." The map is anonymous and is in the Archives de Los Indias in Seville. Cape Canaveral is plainly marked thereon.

Also here are a few copies of the map by Jacques LeMoyne, who was an artist accompanying Laudonniere, a French explorer. This map was made in 1591. However, Cape Canaveral is plainly marked thereon. It is included in a book written by Congressman Charles E. Bennett, entitled "Settlement of Florida." In LeMoyne's narrative, he wrote in 1564, ". . . at a place called in maps Canaveral, twenty eight degrees from the Equator."

In 1565 Pedro Menendez de Aviles founded St. Augustine, but the French were also in the neighborhood, which made his position precarious. LeMoyne describes how the Adelantado Menendez walked the whole distance to Canaveral, about 90 nautical miles, that same year, when many of the younger men could not keep up with him. He destroyed the French position there, at Canaveral.

This is only a bare outline of the history of Cape Canaveral, but this shows the existence of the name 400 years ago.

It might be interesting to note that two other famous capes on the Atlantic Coast were discovered later, certainly named later, and of all the Atlantic Coast I believe the most permanent are Canaveral and Hatteras. Roanoke Island, an extension of which is Cape Hatteras, was first explored by the English in 1584, after which unsuccessful efforts of colonization were made. And the name Cape Cod is attributed to Goswold, who visited these shores in 1602. The pilgrims put in at the site of Provincetown in 1620.

Thank you, Mr. Chairman.

If there are questions, I would be glad to answer them.

Senator ANDERSON. Are there any questions?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator HOLLAND. Mr. Chairman, your next witness is Mrs. Frances Ann Jamieson, who is President-elect of the Florida Association of Women Lawyers and former Councilman of the City of Cape Canaveral.

Mrs. Jamieson.

STATEMENT OF HON. FRANCES ANN JAMIESON, PRESIDENT-ELECT, FLORIDA ASSOCIATION OF WOMEN LAWYERS, FORMER COUNCILMAN OF THE CITY OF CAPE CANAVERAL

Mrs. JAMIESON. Mr. Chairman, Senator, it is a privilege and a pleasure for me to be here before you to speak on behalf of the people from my home town, Cape Canaveral, Florida. I live there. I practice law there, and incidentally, call it by its rightful name, Cape Canaveral. We have strongly resisted calling it anything else but by its famous historic name.

Let me state to you some of the examples of the continued resistance by the people of this area and of the State and of the nation.

In Brevard County, Florida, the Gannett News Corporation publishes Today. They have also acquired the Melbourne Times, the Titusville Star Advocate, and the Evening Tribune, Cocoa, Florida, and they have recently conducted a survey in which it was determined that 92.9 percent of the people were in favor of the restoration of the name Cape Canaveral.

Also, another poll has recently been made, this by the Missile, Space and Range Pioneers. This is a most interesting organization, and one of very limited membership. It consists of people who were involved in the space and missile and range development prior to the year of 1965, many of our astronauts, many of the early people connected with the space industry.

Indeed, these are the people who have made it possible for mankind to make its giant step.

When the poll was made of this group, the consensus was that they were overwhelmingly in favor of the vote, by 10 to one, to restore the name of Cape Canaveral. They feel that the restoration of this name is synomymous with exploration both by the early Spaniards and by our beloved space heroes.

The large companies in the area that are associated with the space program, to mention just but a few, the Martin Company, Lockheed, some of the large companies in our country, still refer to their local offices as their Canaveral divisions.

There has been much, much confusion in business over the name change. Hundreds of companies in the area use the name Cape Canaveral. We get mail from all over the world forwarded to our area, and it is very interesting to note that on the date of first-day cancellations, when one of the shots takes place, thousands of people line up, not only the philatelists, but the youngsters of our nation, too, to stand in line to have a cancellation that says Cape Canaveral, Florida.

When the City of Cape Canaveral came into existence in the early 1960's there wasn't any doubt as to the name that they would assume. They were very proud to adopt the name of Cape Canaveral.

When the name of Cape Canaveral was hurriedly and emotionally changed without the knowledge or the concurrence of those most vitally affected by the name change, the city council overwhelmingly voted to retain the name of Cape Canaveral. We have long hoped that a mistake can be rectified.

Democrats and Republicans along in this area are united in the feeling. There is certainly no disrespect intended or meant to our late and great President whose life was so tragically ended.

Our area has not been remiss certainly in naming things. The Kennedy Space Center is universally known. The name of the major airport in Brevard County located at Melbourne, Florida, has been designated the Kennedy Airport. There is a John F. Kennedy Junior High School in Brevard County.

Please accept the presentation and the gratitude of the people of my home town for your consideration and your assistance and your interest in this matter which is near and dear to our hearts.

You know, Mr. Chairman, it has been said that Neil Armstrong was the first man in history to climb down the ladder of success. We earnestly hope that the Congress of the United States will join him in his climb down and restore to us our name of Cape Canaveral, Florida.

Thank you.

Senator HOLLAND. Thank you. Thank you, Mr. Chairman.

The next witness is, I think, one of our greatest Floridians and one of our greatest Americans, a former member of Congress, former Governor of Florida, former Chief Justice of the Florida Supreme Court, the Honorable Millard Caldwell, whom I am glad to present, who was incidentally the first head of the National Civil Defense effort, also.

Senator ANDERSON. We are very happy to see him and I know him very well.

STATEMENT OF MILLARD F. CALDWELL

Mr. CALDWELL. Mr. Chairman and gentlemen of the committee, the first thing I would like to do is honor the request of the incumbent Governor of Florida, Claude Kirk, who has asked me to quote him in these words:

"The place named Cape Canaveral, for more than 400 years, has been noted on the maps of geography, connoting at first the new world and, more recently, this great nation. Speaking for all Floridians, with great respect for President Kennedy, I earnestly urge the approval of the Resolution now under consideration."

The purpose of my brief statement here this morning is to remind you there was no basis in law for the generous gesture of President Johnson in changing the name of Cape Canaveral. His action, motivated by the overwhelming distress of the moment, is understandable but is, in fact, without legal foundation.

The President has neither constitutional nor statutory authority to change the established geographical nomenclature of the country.

The Secretary of the Interior and the Board on Geographic Names are, by Title 43, Section 364–A, United States Code, charged with the responsibility for uniformity in nomenclature and orthography but, in this instance, uniformity was in no wise involved and, as of course, the Secretary was without authority in the premises.

The invalidity of the change is so obvious it seems unnecessary to take the time of the committee for extended argument or briefing.

President Kennedy's place in history is so firm as to negative a need for geographical emphasis. His memory is and will remain warm in Florida and in the nation. With his respect for history, he would have been the first to decry the erasure of Cape Canaveral from the charts, the first to remember that long before Cape Cod or the Mississippi or the City of Washington were dreamed of Cape Canaveral was established on the maps of the cartographers.

I am advised the President's family, although appreciative of what was done, abides

in the wish of Florida's delegation in the Congress, representing the overwhelming desire of the State's people for the restoration.

I urge the adoption of the resolution reestablishing the Cape to its rightful place in the annals of time.

Senator ANDERSON. Thank you.

Senator HOLLAND. Thank you Governor, The last witness that I know of, Mr. Chairman, and there may be others, is Honorable James R. Knott of West Palm Beach who has been a circuit judge in the State of Florida for some 14 years. He was the immediate past president of the Florida Historical Society at the time this question arose and as I understand will speak for that society as well as for himself. Judge Knott.

STATEMENT OF JAMES R. KNOTT, JUDGE OF THE CIRCUIT COURT, 15TH JUDICIAL CIRCUIT OF FLORIDA, PALM BEACH COUNTY

Judge KNOTT. Thank you, Senator.

Mr. Chairman, I appreciate the courtesy of this committee in affording me the opportunity of testifying on the resolution pending before the committee to restore the ancient name of Florida's oldest landmark.

Mr. Chairman, this subject is one which lies deep in the hearts and emotions of the people of our state. Newspaper polls indicate that more than 90 percent of our citizens, despite their admiration and affection for the late President Kennedy, favor the restoration of the name Cape Canaveral, while retaining the name of the John F. Kennedy Space Center for the space program facilities.

I would like to join my distinguished fellow citizens in emphasizing that our effort to have the name of Cape Canaveral restored to this geographic area is not motivated in the slightest degree by anti-Kennedy sentiment. On the contrary our citizens, particularly those of us in the Palm Beach area, are proud of the fact that as winter residents the Kennedy family has long had a friendly personal association with our people.

We shared the admiration of other Americans for President Kennedy, and we shared the grief of other Americans at his tragic death. We in Florida have been eager to pay him honor. Airports, hospitals, schools, streets, boulevards, and even our children have been named for him.

We know from President Kennedy's own interest in the values and memorials of American history that he, himself, would surely have discountenanced the abandonment of a name so deeply rooted in our history.

It has been said, in support of the change of name, that the Spanish word Canaveral translated into English merely meant canebrake, and is, therefore, unimportant. If we were to adopt this as a test, if ancient place names were to be considered appropriate candidates for oblivion because of plainness and simplicity, then let us begin with the simple, unromantic name of the Rocky Mountains, or the Snake River, or West Point, or Long Island, or, may heaven forgive me, Cape Cod, itself. Surely Canaveral, or canebrake, is not more commonplace or ordinary than these.

Paraphrasing Abraham Lincoln, we believe that the state of Florida belongs to the people who inhabit it. Its old place names, such as the Suwanee River, Pensacola Bay and St. Augustine, should be subject to change by the people of Florida alone.

Of all Florida's treasured place names, Canaveral, as the oldest, should be regarded with the greatest respect. President Johnson himself recognized this principle following President Kennedy's death, when he sought the advice of Senator Holland on the idea of changing the name. Senator Holland cautioned him against such action before consulting the people affected and determining their sentiment.

Notwithstanding this advice, President Johnson, in the intensity of emotion, both personal and national, made an impulsive decision which ultimately proved to have been injudicious. Understandably, Florida's then Governor, laboring under the same emotional stress, could be expected to give only an affirmative answer to his President, as he did, without allowing time to reflect upon the subsequent reaction of the people. It should be noted, here, that the Governor of Florida is not empowered under the constitution and laws of Florida to give or take away the names of geographic sites or places in our state.

Newspapers throughout Florida have supported the restoration of the name Cape Canaveral. Many of these have been mentioned to you. I have the names of others which are contained in my statement, Mr. Chairman, which I will leave with the committee.

Copies of some of these editorials also are being furnished to the members of the committee and I specifically ask that they be included as part of my statement.

Senator ANDERSON. Without objection that will be done.

Judge KNOTT. The Florida Historical Society, the Metropolitan Dade County Historical Board, and other organizations of this character in all parts of Florida from Key West to Pensacola, with memberships totaling many thousands, have gone on record urging the restoration of this name.

For your information the names of these are set forth in this statement to be left with you. They are too numerous to burden you with at this time.

The members of these organizations wish to honor President Kennedy and to preserve the name of the John F. Kennedy Space Center. However, as stated in the resolution of the Florida Historical Society, "the name Cape Canaveral has been a part of the geography and history of the state of Florida for over 450 years," going back to the days of Ponce de Leon, it being the desire "to preserve the name as part of our late President by associating it with an activity which was contemporaneous with his lifetime and interests."

On June 6, 1969, a joint resolution was adopted by the Florida Legislature favoring the restoration of the name Cape Canaveral, as the oldest known and most continuously used landmark on the American Atlantic Coast.

This is believed to be the only instance in the United States, and perhaps in the western world, where such a change in name has occurred in this fashion.

Mr. Jerome Kilmartin, executive secretary of the Domestic Geographic Names Committee, under the Board of Geographic Names, reported at the time of this change that never before in the history of the Board had a renaming proposal come from the White House.

Instances of this nature are not lacking in countries with cultures different from ours, of course, notable examples being Leningrad and Stalingrad. But the principle followed in such cases is inconsistent with our traditional standards.

To adopt it sets a dangerous precedent. As stated by Mr. Ney Landrum, director of the Outdoor Recreation Council of Florida.,

"By this precedent, the President can change the Suwannee River to Johnson River."

In conclusion, Mr. Chairman, to demonstrate the sentiment of the people of Florida, I quote from a recent statement by the Honorable John S. Knight, publisher of the Miami Herald and other well known newspapers:

"We applaud the Tallahassee Democrat's recommendation that the name Cape Canaveral be restored to the area now known as Cape Kennedy . . .

"As the Democrat says, 'the name Cape Canaveral identifies the oldest, continuously used landmark on Florida's Atlantic coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.'

"In fact, Canaveral was on navigation maps before the Mississippi River, Cape Hatteras or Cape Cod."

Thank you very much, Mr. Chairman.

Senator ANDERSON. Are there any questions?

Senator HANSEN. Mr. Chairman, I don't have any questions, but I would like to take this opportunity to compliment the witnesses here this morning for the completeness of their testimony.

I think they have made a very persuasive case. I share their high regard for the honored name of a revered and loved President and I share equally their concern with the importance of keeping old names.

I happen to live in the western part of Wyoming and it has been with considerable dismay that we have seen the Forest Service in recent years come in and change the names of creeks and peaks out in my country.

Of course, we don't go back only within a lifetime but here is a case that is before us that is well documented. I think the testimony has brought out the fact that this is the oldest named landmark on the Atlantic coast. Am I right about that?

Judge KNOTT. Yes, sir.

Senator HANSEN. Changing that name seems to me to do violence to those things for which the late and great President Kennedy stood so strongly. I am certain that if he were given an opportunity to express an opinion he would join with those distinguished colleagues of his who have testified earlier this morning.

Thank you, Mr. Chairman.

Senator HOLLAND. Mr. Chairman, I thank the Senator from Wyoming and I thank the distinguished chairman for listening to us patiently. We are very much interested in this matter. We think we are on sound ground in standing for the preservation of the history, the traditions and inherited greatness of our country which is reflected in placenames such as Canaveral and particularly there, since it is the oldest landmark of which we know in our country and, of course, along the Atlantic Seaboard.

We thank you for your kind hearing this morning.

Senator ANDERSON. Are there additional witnesses?

If not, the hearing is closed.

(Whereupon at 11:05 a.m. the hearing adjourned subject to call of the chair.)

Mr. HOLLAND. Mr. President, I have discussed this proposed legislation with the chairman of the Committee on Interior and Insular Affairs on several occasions in the hope of having this bill reported to the Senate. I also, prior to the introduction of the resolution, discussed this matter with the senior Senator from Massachusetts (Mr. KENNEDY) who advised me at that time that he would talk the matter over with the Kennedy family and advise me of their wishes. He did say to me that he thought the wishes of the people of Florida should prevail. However, I have not yet heard with finality from him on this subject. In the meantime, the Senator from Massachusetts advised Col. Asa B. Gibbs, president of the Missile Space and Range Pioneers—and earlier a commanding officer of the base—in reply to a telegram—this is a quotation from the letter of Senator KENNEDY—

It is my conviction that this is a matter primarily to be decided by the citizens of Florida.

Colonel Gibbs, under date of April 11, 1970, wrote me regarding this matter and enclosed a copy of his telegram to Sena-

tor KENNEDY dated December 11, 1969, and the Senator's reply to him of February 3, 1970. I ask unanimous consent to have Colonel Gibb's letter to me and the enclosures printed in the RECORD at this point.

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

SATELLITE BEACH, FLA.,
April 6, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

SIR: When it became evident that the bills introduced into Congress to restore the name Cape Canaveral were likely to die in committee, I sent a telegram (Incl. 1) to Senator Kennedy. It seems clear that a favorable statement by him would release these bills for floor action. It is also equally clear that his silence indicates that he does not approve, which of course influences the action of the committee chairmen.

I received an answer from Senator Kennedy (Incl. 2) which on first reading is rather confusing. The phrase "but it is my conviction that this is a matter primarily to be decided by the citizens of Florida" causes one to wonder whether Senator Kennedy really knows what has taken place in this matter. However, from reported conversations with Senators Holland and Gurney, various news items, and indeed from the contents of my telegram, Senator Kennedy must be well aware of the wishes of the State of Florida.

Therefore, one can only reach the conclusion that Senator Kennedy is challenging the Florida Congressional Delegation to get these bills passed. The "citizens" of Florida have already "decided" as evidenced by the memorial to Congress passed by the Florida legislature. The citizens of Florida are only following the democratic process necessary to effect the decision.

You, as a member of the Florida Congressional Delegation, have a clearcut responsibility to take whatever action is necessary to accept this challenge and get these bills passed.

Respectfully,

COL. ASA B. GIBBS.

DECEMBER 11, 1969.

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

The people of Florida in at least two polls and in editorials in the leading papers of the state have expressed an almost unanimous desire to restore the name Cape Canaveral to that historical site now known as Cape Kennedy. This desire culminated in a resolution to the Congress passed by the Florida State Legislature with the provision that this name restoration be made with the approval of the Kennedy family. It has been made very clear that the people of Florida are pleased and proud to have the NASA facility on Merritt Island named the John F. Kennedy Space Center in honor of our late President. The Kennedy Space Center is not located on Cape Canaveral and the restoration of the name would in no way affect the name of the center. Appropriate Bills have been introduced into both houses of Congress for this restoration, but it is becoming clear that these bills may die in Committee. The newspapers have reported that you chose to make no comment for the Kennedy family. You now have a wonderful opportunity to enhance your popularity, not only in Florida, but also nationally, if you were to make a public statement now that the Kennedy family has no objection to this restoration of a historic geographic name. A favorable statement by you would permit the Committee chairmen to process these bills without fear of embarrassing you. I urge you, in consideration for the desire of the people of Florida in this matter, to take immediate action.

Col. ASA B. GIBBS.

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., February 3, 1970.

Col. ASA B. GIBBS,
Satellite Beach, Fla.

DEAR COL. GIBBS: Thank you very much for your telegram, and I appreciate the sentiments which prompted you to be in touch with me.

As you know, legislation has been introduced by Senators Holland and Gurney to change the name of the Cape. I have no idea whether their measure will be successful in the Senate, but it is my conviction that this is a matter primarily to be decided by the citizens of Florida.

Sincerely,

EDWARD M. KENNEDY.

Mr. HOLLAND. Mr. President, I also want to place in the RECORD an editorial published in the Orlando Evening Star, March 14, 1970, entitled "Change to Cape Canaveral." This editorial refers to the inquiry of Colonel Gibbs and the reply thereto by Senator KENNEDY which I have just placed in the RECORD. I ask unanimous consent to have this article printed in the RECORD at this point.

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

[From the Orlando Evening Star, March 14, 1970]

CHANGE TO CAPE CANAVERAL

Now that Senator Ted Kennedy has indicated he would not oppose changing the name of Cape Kennedy back to Cape Canaveral by which it was known for over 400 years, there should be no further delay in getting the job done.

In reply to an inquiry from Asa B. Gibbs, president of the Missile Space and Range Pioneers, Sen. Kennedy stated, "It is my conviction that it is a matter primarily to be decided by the citizens of Florida."

As most Floridians know, the restoration of the old name does not apply to the John F. Kennedy Space Center on Merritt Island but only to the land mass to the east which forms the cape. There was no reason to change this name in the first place.

And there is no reason now for further delay in correcting the error.

Mr. HOLLAND. I also ask unanimous consent that an editorial published in "Today," a daily newspaper published in Cocoa, Fla., under date of March 7, 1970, again referring to the exchange of correspondence between Senator KENNEDY and Colonel Gibbs, be printed in the RECORD at this point.

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

EDITORIAL: FLORIDA PICKS CANAVERAL

Sen. Edward M. Kennedy appears deliberately to be stalling efforts to restore the name Cape Canaveral to Cape Kennedy.

Col. Asa B. Gibbs, president of the Missile Space and Range Pioneers, who has spearheaded local restoration efforts, says key senators and congressmen have said Kennedy quietly passed the word he would prefer the name-change bill to die in committee.

That appears to be precisely what is happening to the bills which seemed so promising last fall.

And Kennedy, when he doesn't succeed in staying publicly silent about the matter, continues to be evasive.

When Gibbs wired Kennedy about his feelings on the name switch, this was the answer he got:

"It is my conviction that this is a matter primarily to be decided by the citizens of Florida."

The senator is fully aware of Floridians' feelings toward the cape's name.

Two local polls showed people were overwhelmingly in favor of restoring the historical name of Canaveral to our cape, while leaving the Kennedy Space Center's name unchanged. The Brevard Historical Society, the Florida Historical Society and the Florida Legislature all urged the same thing.

The Legislature's resolution to Congress unfortunately stipulated that the Kennedy family's approval be obtained first.

Sen. Kennedy has been fully apprised of all this, and he obviously is unwilling to give that approval.

There is evidence to indicate that President Johnson only intended the space center to bear John F. Kennedy's name—not the cape. That the geographical name was changed was the result of a misunderstanding by the Board of Geographic Names, Col. Gibbs believes.

The names of highways, bridges, airports, stadiums and space centers appropriately honor revered Presidents, but geographical names—particularly one as rich in historical significance as Cape Canaveral—are another thing.

It would be interesting to see what the reaction would be, for instance, to changing Cape Cod to Cape Kennedy.

We wish our lawmakers would ponder that.

Mr. HOLLAND. Mr. President, since Senator KENNEDY advised Colonel Gibbs that the matter of changing the name of the cape is "a matter primarily to be decided by the citizens of Florida," I have been queried, as has my colleague, Senator GURNEY, as to when the committee will take some action on this resolution.

While I have been able to state only that I have been attempting through discussions with the chairman of the committee, Senator JACKSON, to have the bill acted upon, my colleague, Senator GURNEY, has informed the press that all the Republican members of the committee wish to report the bill. This leaves the senior Senator from Florida in a most embarrassing position, in that seven Republican members of the committee wish to report the bill and the Democratic leadership of the committee apparently does not wish to report the bill, although I know of no vote taken by the committee.

Mr. President, in view of the continuing inquiries I receive from the press as to the status of the bill and the fact that, from reports, all Republican members of the committee wish to report the bill out of committee, I contacted Senator JACKSON, the chairman of the committee, on July 29, asking him to advise me as to the committee's plans. On July 30 he advised me that after the hearing last year, the proposed legislation was discussed in executive session by the members of the committee, and while he did not know where my colleague, Senator GURNEY, obtained the information that all of the Republican members of the committee wished to report the bill, no member of the committee had spoken to him since the executive session held after the November 24, 1969, hearings

when the legislation was discussed. Senator JACKSON further advised me in his letter that in view of my strong feeling on this matter, he would again bring up the subject at the first opportunity when his committee met in executive session.

Mr. President, I have spoken out here today, not in any disrespect for our late President who was admired and beloved by millions of Americans, including Floridians, but because I believe strongly that we must right a wrong that was done in extreme haste and under great emotional stress without regard to the will of the people so directly affected.

I might add, Mr. President, that there are many activities other than the space activities that have not been renamed. There is the city of Cape Canaveral immediately adjoining the cape, with a first-class post office bearing its name.

That city and the first-class post office at this site still bear the name Cape Canaveral. Also, the Port of Canaveral is a joint Federal-State venture in which the State is represented by the Port District, and in Federal and State legislation concerning the port the name of Port Canaveral is used, and it is used in the bond issue which raised the local contribution to supply the local share of costs of the port's development. These bonds will be outstanding for many years. Further, there are many private businesses at the cape and at Cocoa Beach which contain the word "Canaveral" in their name and those names have not been changed.

I might also say, Mr. President, it is my strong feeling that the late President Kennedy would never have approved the removal of the historic name of Cape Canaveral which, as I have already said, is the oldest place name along the Atlantic seaboard of the northern continent—that part of it which is in the United States. I am led to this conviction by many facts, one of which is set forth very eloquently by an address by Dr. Charles T. Thrift, Jr., president, Florida Southern College, Lakeland, Fla., delivered before the Florida Conference of the United Methodist Church, June 4, 1969. This is the statement by Dr. Thrift at the time and place mentioned which I quote in part:

> John Fitzgerald Kennedy, thirty-fifth President of the United States, would have been 52 years of age last Thursday had he lived. On that day last week his mother, Mrs. Rose Kennedy, made a brief address in connection with the presentation to the United States of a national historic site from the Kennedy family of the house in which John Fitzgerald Kennedy was born. In the course of her remarks, Mrs. Kennedy stated that one of the compelling reasons in helping the family decide to restore and donate this historic building was the fact that her son, the late President, had such a great sense of history.
>
> I once heard John F. Kennedy, while seeking the nomination for President, say in response to a question as to why he thought he was qualified to hold the high office that he felt there were six outstanding things that qualified him, but he said, "My first and greatest qualification is my historical-mindedness." He then went on to say that he felt no man could be a great President without this, and he felt that of all the current candidates, he possessed the historical-mindedness to an extent further than any other.

I also speak out so that the chairman of the committee, the distinguished Senator from Washington (Mr. JACKSON) may approve early action of the committee, either to favorably report the legislation to the Senate or to report it out of committee without recommendation in order that the Senate may work its will.

Mr. President, I understand and appreciate the difficulty the chairman of the committee is having in regard to this matter but I submit that in all deference we are here to legislate appropriately and to correct any legislative oversight.

Mr. President, hopefully the Interior and Insular Affairs Committee will act on Senate Joint Resolution 133 at the next executive session of the committee for I am convinced that the dragging on of this matter is doing much more harm than good. If the committee votes down the measure, that will be the end of it or if it reports the measure without recommendation, the Senate may then work its will.

Throughout my 24 years of service in the Senate, I have been a strong supporter of the committee system and firmly believe that the Senators sitting on the committee of jurisdiction in regard to specific legislation are and should be more knowledgeable of the problems that come before those respective committees and I have, therefore, relied to a great extent on the wisdom of those Senators and the reports of the committees upon which to base my judgment on specific issues. I shall continue to do so in my last weeks of service here with the hope that those colleagues sitting on the Interior and Insular Affairs Committee will take definite action on Senate Joint Resolution 133 that has been pending since July 10, 1969.

Now, Mr. President, in concluding my remarks, I want to call attention to the several features which are in the transcript of the hearing which all Senators will benefit from if they will read the transcript which I have had printed in the RECORD. The first is that the legislature of the State of Florida unanimously passed a resolution requesting that the change back be made for historic reasons, and that we take up the matter first with Senator KENNEDY. I did so. We took it up with him in great detail and finally introduced the resolution, after advising him at the specific time it was to be introduced that it could be introduced, even inviting him to have some statements, if he cared to make them at the time of the introduction, and inviting him to appear as a cosponsor if he cared to do so; but he simply told me that personally he did not care to attend and reiterated his statement, that he thought the will of the people of Florida should prevail.

In view of the action of the State Legislature of Florida and in view of some 22 editorials from leading newspapers in the State strongly favoring this change back, and in view of the statements made by other witnesses at the hearing, including former Governor Caldwell, himself a scholar and a gentleman of the highest standing, and including the president of Florida State Historical Society, including the representation of the official family of the city of Cape Canaveral among others, and, of course, both Senators from Florida who testified at that hearing, I hope that Senators will realize that the will of the people of Florida has been clearly exemplified.

Mr. President, I have a large file of correspondence on this subject. I want to make it clear for the RECORD that while I have received many hundreds of letters supporting the bill, the number of letters opposing it would be, in my judgment, without trying to count them, less than a dozen. They come from people not historians and not historically minded. The very contents of their letters, in most instances, show that they have no understanding of the historic importance of Cape Canaveral which has been the leading landfall on the eastern shore of the United States for maritime commerce since the earliest Spanish days, as shown by ancient Spanish maps, and maps made by mariners of other nations which I have seen by the dozen, showing the name of Cape Canaveral, a Spanish name, thought to have been named by Ponce de Leon at the time of his discovery of Florida in 1513.

Mr. President, we should not carelessly, even though we are led by great and understandable emotion at the time of deep grief, take actions which destroy part of our historic tradition and which ignore the fact that there are literally dozens of names based on this place name which will be permanent and which make for constant conflict and constant misunderstanding in that area, including the name of the nearest city which is a city of such size as to have a first-class post office which also bears that name. Also the name of the manmade harbor built to serve the Kennedy Space Center bears the place name Canaveral, which we by all means want to continue under that name as a legal matter. Cape Canaveral has been authorized and appropriated for by numerous acts of Congress and all of us refer to it by that name. Yet the name of the cape change was approved within less than 12 hours by an action of the Naming Committee of the Board of Geographic Names, which I have mentioned heretofore.

In all justice to the people of the great State of Florida, in all justice to the preservation of historic monuments of very great value, and this one I believe to be, and I am told so by scholars who know much more about it than I do, that this is the oldest place name on the Atlantic coast in the United States, I think it is wrong to destroy such a name. To destroy the historic value and the traditions that go with it, as well as the literally hundreds of references in the ancient literature of our State and our continent which refer to it, I think it is completely wrong that such a course be followed.

With great tenderness toward the late President—I think I was among the first, if not the first, to suggest him as a vice-presidential candidate, which was recognized by his family at the time—I think that no one could possibly take a position indicating that I was not his friend and admirer and always have been. By the very terms of the resolution offered by my distinguished colleague

and myself, we would legally perpetuate the name of the space center so that it will always bear the name of our distinguished late and lamented former President, John F. Kennedy.

Mr. MONDALE. Mr. President, with the greatest deference to the distinguished senior Senator from Florida and the distinguished junior Senator from Florida, I have great concern about the proposed name change from Cape Kennedy to Cape Canaveral for several reasons, one of which is that it would appear to be misinterpreted.

Our decision to rename the cape in memory of President Kennedy was more than a random tribute to a martyred President, as important as that was. It was a clear recognition of the fact that John Kennedy—more than any other man—was responsible for the revitalization of our space program.

It was President Kennedy who established the goal of landing a man on the moon by the end of the decade. And it was President Kennedy who provided the leadership to make this remarkable achievement possible.

Even though I have serious questions about the future direction of our space efforts, I have often expressed my admiration for the remarkable successes of the Apollo program. To President Kennedy, this program represented more than a challenge to America's technical and scientific abilities; to him it represented a challenge to the American spirit and to our capacity to establish and meet a difficult goal.

We met that goal, and we did so in large part because of the dedication and commitment which he brought to this program.

That is why the cape was renamed for President Kennedy, and that is why his name should remain associated with the place which successfully launched American astronauts to the moon.

I believe that the renaming of Cape Kennedy would affect our memory of him and his association with the successful launching of astronauts to the moon.

I recognize that this is not the spirit in which the proposal is made. However, I felt constrained to make the statement.

Mr. HOLLAND. Mr. President, I am afraid that my friend, the distinguished Senator from Minnesota, has not read the resolution in question. If he had, he would have found that the bill offered by the 2 Senators from Florida particularly speaks of the admiration of our State for the late, lamented President Kennedy and our feeling that the Space Center should be permanently named for him. The bill also provides that the name would be permanent.

I want to say in addition to that that, since the Senator has particularly spoken of the Apollo program, the RECORD should show that the program goes on not at Cape Kennedy, but at Merritt Island which is across the river from Cape Kennedy. Many Members of the Senate who have been down there know that this is the case. And the launching pad for the Apollo ventures, the assembly pad and the assembly building for the large rockets that would re required, the quarters of the astronauts and the training facilities for the astronauts employed in that program and the many other structures which I could name are located not on Cape Kennedy, but on Merritt Island.

I also want every Senator to know that every single editorial which we had printed in the RECORD—and I think I stated that the number was 22, and I am sure that my distinguished colleague had some editorials printed in the RECORD that I overlooked—expresses admiration for the late President. There have been many editorials printed since the date of the hearings, and we could enlarge the RECORD at this time with editorials which express not only what amounts to expressions of respect, but in many instances almost veneration for the late President.

We are all proud, I believe, to have his name given to the Space Center. I think that the late President himself would have been the first person opposed to changing the oldest historic place name in our country on the mainland portion of our country in the way in which it was done, and certainly by overlooking all of the regulations which were applicable and which had been formulated by the Naming Committee of the Board of Geographic Names for its own government in the consideration of the subject matter. We were all swept away at that time understandably by vast emotion and sorrow.

God knows, every American should be terribly sad when he thinks of the various sorrows that have been heaped upon the Kennedy family. Certainly both of the Senators from Florida are completely cognizant of that. We tried to draft our legislation and conduct the hearings with that in mind. We filed editorials from our State and the resolution of the State legislature which clearly bespeaks the affection of our people as reflected in that legislation for President Kennedy and their desire that the Space Center be permanently named for him.

I do not want any implication to go out from this hearing or any other hearing in connection with this whole matter that there is any feeling other than a great feeling of sorrow on the part of people of Florida and both Senators from Florida toward the late President Kennedy.

Mr. President, I shall not have anything more to say at this time. I am sorry that the committee has acted as it has. I happen to know that, in addition to the Republican members of the committee, there are other members of the committee who would be glad to report the bill out. They have so stated to me. I do not care to bring that matter into the RECORD by naming names. But the fact that we have not been permitted to have the matter reported out disturbs me greatly, particularly since I am leaving the Senate and particularly because I do have some historic mindedness myself.

Mr. President, I think it is almost in the nature of a tragedy that this was done so hurriedly and without deliberation or proper understanding at all as to what was involved.

Mr. BAYH. Mr. President, the Senator from Indiana wishes to make a comment as an observer sitting in the Chamber listening to the remarks of his colleagues from Florida and Minnesota. I think there is something a bit ironic, to say the least, about the fact that we are sitting here on the seventh anniversary of the burial of the late President Kennedy and considering this particular type of resolution.

I certainly believe that the Senators from Florida are sincere in their hearts, that they do not want anything in this proposed resolution to carry any derogatory implication whatsoever against the name of our late President. But we all have to be responsible for the reasonable interpretation of our acts. Like it or not, I do not see how such a change could be interpreted in any other way by a large number of the citizens of the world who will wonder at our conduct. And they will ask, "How can they have such a short memory of a brave and fallen leader?"

I do not think it is necessary for me to repeat what has been said. Even the proponents of this resolution would agree that President Kennedy was directly responsible for the space activity and its growth in the great State of Florida. And I am sure they would agree with me that he typified the ability of this country under the proper kind of leadership to harness the necessary vision, resources, and determination to accomplish what some might say are impossible goals.

I hope that we take a long look at this. As a former State legislator I share the concern of the Senators from Florida and the Legislature of the State of Florida in their desire for consideration of this matter. But consideration was given to this name change before it was enacted. If there was historical precedent, that should have been considered at the time the name was changed, and not now at a time when our action would suggest disrespect for the memory we all have. Those who support this resolution do not intend that to be the impact, but I do not see how it can be interpreted otherwise.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, there will be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

RESPONSIBILITY OF HOUSEHOLDERS FOR THE PAYMENT OF UNORDERED MERCHANDISE

Mr. MAGNUSON. Mr. President, during the Senate consideration of H.R. 17070, the Postal Reorganization Act, I offered an amendment to the bill. The Senate agreed to the amendment. The matter went to conference, and the conferees agreed to the amendment. It is now the law of the land.

That measure establishes a nationwide policy on the use of the mails in the sending of unordered merchandise or the billing of same.

The amendment clearly states that the recipient of unordered merchandise

is under no obligation to the sender. He does not have to return the merchandise or pay for it. The law also forbids the mailing of any bill or dunning communication in connection with unordered merchandise.

Unordered merchandise is still being sent. I do not suppose there is a Senator present on the floor or anyone in the galleries within the sound of my voice who does not know that 1, 2, or 3 times a week a person not only receives some unordered merchandise, but also receives a bill and a dunning letter from some credit agency, apparently unconnected with the firm or group that had sent the material, stating that unless the person pays the bill some action will be taken to impair his credit rating.

Mr. President, take the example of a young married couple. They may have a mortgage on their house and they are buying a car on credit. To receive a threat to their credit rating as a result of a bill for something they have not ordered scares them. Often they will pay the $9.68, or the $16.20, or the $20 bill for something they have not ordered.

Then, there is always the possibility that someone will sign another person's name. The form says, "If you sign this, we will send you this book," or something of that kind. Even if no one signs the form, the merchandise is often sent and billed for.

Mr. President, under the provisions of the new law, the recipient can do anything with that material that he wishes; and he does not have to go to the trouble of sending it back, and that includes unordered subscriptions and anything else.

About a week ago I had an incident happen to me. I kept receiving a magazine I had not ordered. Finally I contacted them and I said, "Why are you sending this material to me and billing me for it?" They stated that, because they only had young girls working in the computer part of the subscription office, they did not recognize the "order" as the work of pranksters. How long will such foolishness continue to plague American families?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. MAGNUSON. Mr. President, I am taking an electronics correspondence course that I never ordered and if I just hang on long enough, I am going to graduate from the course. This material was billed to "Occupant" and sent to my home in Seattle. This goes on and on.

I bring this matter up now because of the vast amount of unordered merchandise that is sent out at Christmastime, and I am not referring to the fundraising activities of recognized charities, either. People are sent magazines, they are registered in correspondence courses, they get things they have not ordered, and finally they receive dunning letters.

I get books from an organization called Outdoor Life. They are fine books, but I never ordered them. I later found out that somebody sent my name in. For a while I received the National Rifle Association magazine, but I never ordered it. It is nice reading, but I had to write two or three letters to clear up the matter.

What about a person who does not know about this law? Suppose a person receives something he has not ordered. Ordinarily he would probably think that he would have to go to the trouble to wrap it up and return it and say that he does not want it. Under our new law he may treat it as a gift and make no response to the sender.

As a result of my urging the Federal Trade Commission issued an order regarding unordered merchandise on September 11 of this year. It was a unanimous action by the Commission. The Commission indicated that without regard to the effective date of Public Law 91–375, which contained the amendment, the Commission had determined that section 3009 was a proper interpretation of section 5 of the Federal Trade Commission Act and that unordered merchandise could be treated as a gift effective immediately. As a result of the action of the FTC, persons who receive unordered merchandise this Christmas season may treat it as a gift.

I want to remind the shippers of unordered merchandise that the recipient will be under no obligation to pay for such merchandise nor will he need to return it. If I hear of any violations of the FTC's order, I will urge vigorous action by the FTC and the Post Office. Anyone receiving bills for unordered merchandise should send a copy of the bill to the FTC and to their postmaster for investigation.

I ask unanimous consent that the complete order of the Federal Trade Commission be printed at this point in the RECORD in the hope that it will receive the publicity in the press it needs.

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

FEDERAL TRADE COMMISSION,
Washington, D.C.

UNORDERED MERCHANDISE

Notice of Cancellation of Public Hearing and Opportunity to Submit Data, Views or Arguments Regarding Proposed Trade Regulation Rule.

On June 19, 1970, the Federal Trade Commission issued a Notice of public hearing and opportunity to submit data, views or arguments regarding a proposed Trade Regulation Rule relating to the shipment of unordered merchandise. Since § 3009 of the Postal Reorganization Act makes further action in this area unnecessary, the Commission cancels the Notice and hearing in the above proceeding.

Further, notice is given that, in connection with the shipment of unordered merchandise, the Commission considers § 3009 of the Postal Reorganization Act as the proper interpretation of Section 5 of the Federal Trade Commission Act. Thus, regardless of the enacted effective date, the Commission announces that it will move to enforce the Federal Trade Commission Act in accordance with the provisions of § 3009. These provisions are: "§ 3009. Mailing of unordered merchandise.

"(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

"(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

"(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

"(d) For the purposes of this section, 'unordered merchandise' means merchandise mailed without the prior expressed request or consent of the recipient."

Issued: September 11, 1970.

By the Commission.

JOSEPH W. SHEA,
Secretary.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point the response I received from Playboy Magazine when I complained that I was being billed for a magazine that I had never ordered.

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

OCTOBER 9, 1970.

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

DEAR SENATOR MAGNUSON: A more detailed check of records by *Playboy* magazine's circulation department reveals that a subscription to *Playboy* was entered in your name via a promotional insert card regularly bound into each copy of the magazine.

Your name has now been removed from the list and you will no longer receive the magazine—nor bills for it, either.

May I add that this situation was the result of a fairly common trick by practical jokesters whose perverted sense of humor leads them to mail such order cards with names of prominent men and women. Evidently the card was completed by someone who knew or obtained the address of your Seattle residence.

Too, please understand that such cards are processed by young, usually unknowledgeable clerks who stamp them without really reading the names. Indeed, if it is any consolation, some years ago the now-defunct *Reporter* magazine billed to a faretheewell Pope Pius for whom a subscription had been entered in the name of E. Pacelli. The carefully printed address was Palazzo Vaticano, Rome, Italy. The young girl who processed the card hadn't a clue as to who E. Pacelli might be.

Again, our apologies for having inconvenienced you.

Sincerely,

SHIRLEY KATZANDER.

ORDER OF BUSINESS

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Do we have a unanimous consent agreement to vote at 12:30 p.m.?

The PRESIDING OFFICER. We do.

MESSAGES FROM THE PRESIDENT

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

MILITARY AWARDS PROGRAM—MESSAGE FROM THE PRESIDENT

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

To the Congress of the United States:

In September of 1965, the Congress of the United States authorized a new cash awards program for military personnel. This program was designed to provide members of the Armed Forces with an added incentive to reduce military costs and improve military efficiency. In accordance with the provisions of 10 U.S.C. 1124, I am herewith forwarding the reports of the Secretary of Defense and the Secretary of Transportation concerning cash awards which were made under this program during Fiscal Year 1970.

The most recent report on the Military Awards Program covered the first 6 months of 1969. The present report and all future reports will cover an entire fiscal year, as is presently the case with the civilian Incentive Awards Program which is run by the Civil Service Commission.

In Fiscal Year 1970—as in earlier years—the Military Awards Program was a great success. Suggestions from military personnel that were adopted during Fiscal Year 1970 saved the government over $166 million—substantially more than in any previous year. Tangible first year benefits derived from such suggestions since the program went into effect in 1965 have now reached a total of more than $439 million. Many benefits and improvements of an intangible nature have also been realized.

Some 205,888 suggestions were submitted by military personnel during the reporting period of which 32,854 were adopted. Cash awards for adopted suggestions totalled $1,979,111. More than 80 percent of the cash awards were paid to enlisted personnel. Payments varied from a minimum of $25 to a maximum which was somewhat more than $1,000.

The reports which I am forwarding from the Secretary of Defense and Secretary of Transportation present additional information concerning payments made under the Military Awards Program, along with brief descriptions of some of the more noteworthy suggestions which were presented as a part of this program during Fiscal Year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) announced that on today, November 25, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON MILITARY CONSTRUCTION—AIR FORCE RESERVE CONSTRUCTION AUTHORIZATION FROM PUBLIC LAW 91-511

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of nine facilities projects proposed to be undertaken in six States for the Air Force Reserve (with an accompanying report); to the Committee on Armed Services.

REPORT ON THE ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report to the Attorney General on the administration of the Foreign Agents Registration Act (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings possible at the Government Printing Office by buying automatic data processing equipment or by leasing it from commercial leasing firms (with an accompanying report); and

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved laboratory equipment management procedures within the Department of Defense (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF A COMMITTEE

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

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

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona;

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas;

Robert M. Hill, of Texas, to be a U.S. district judge for the northern district of Texas;

William M. Steger, of Texas, to be U.S. district judge for the eastern district of Texas;

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas; and

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the District of Puerto Rico.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION NO. 36—RELATIVE TO FORT MACARTHUR

"Whereas, The Secretary of Defense has recently decided not to make cutbacks at Fort MacArthur in San Pedro as part of general cutbacks which will inactivate the only other Army installation in southern California, Fort Irwin; and

"Whereas, Fort MacArthur has adequate land for the service of military personnel in southern California and has the support of the San Pedro community; and

"Whereas, The designation of Fort MacArthur as a 'permanent' Army installation would permit the construction of certain new buildings for expanded operation in southern California and facilitate fundraising for a proposed military hospital; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to designate Fort MacArthur as a 'permanent' Army installation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions adopted by the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 62—RELATIVE TO GARNER VALLEY

"Whereas, Garner Valley in the San Jacinto Mountains in Riverside County is a scenic area within short traveling distance from major population centers of California; and

"Whereas, There exists a crucial need for recreational land near major population centers in California and the nation; and

"Whereas, The preservation of present recreational land is of highest priority in California's fight to preserve her environment; and

"Whereas, The several thousand acres of Garner Valley are adjacent to the San Bernardino National Forest; and

"Whereas, Proposed development of this area may have adverse ecological effects upon such surrounding lands; and

"Whereas, A recent United States Forest Service report indicates the advisability of

protecting Garner Valley to insure the conservation of federal lands in this area; and

"Whereas, This study specifically notes that Garner Valley is a key watershed in the upper reaches of the San Jacinto River, and proper management of both private and national forest lands is essential from a flood control, water quality, and soil erosion standpoint; and

"Whereas, The federal government owns surplus property which consists of less desirable recreational land throughout California and in the vicinity of the City of Riverside, and it may be in the best interest of the people of the State of California and the nation to preserve Garner Valley and allow development on other surplus land; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to take immediate action to preserve Garner Valley or portions thereof; and be it further

"Resolved, That such action emphasize the possibility of exchanging surplus land or other federal properties in the vicinity of the County of Riverside or elsewhere for such Garner Valley land; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States;" to the Committee on Commerce.

"ASSEMBLY JOINT RESOLUTION NO. 64—RELATIVE TO FOREIGN FISHING OFF THE UNITED STATES COASTAL WATERS

"Whereas, The fishing industry has played a most important role in the development of the California economy; and

Whereas, Many Californians are dependent on the fishing industry to provide them jobs and a livelihood; and

"Whereas, There has been a rapid increase in foreign fishing activities off the coasts of the United States, especially the Pacific Coast; and

"Whereas, The California fishing industry is seriously threatened by increasing foreign fishing competition, which utilizes technological methods prohibited for use by California fishermen, resulting in overfishing and possible loss of some fisheries; and

"Whereas, There have been several reported instances of foreign fishing vessels violating the 12-mile United States coastal limit by fishing; and

"Whereas, The increasing threat to the irreplaceable natural resource, the coastal fishery, has alarmed many conservationists and American commercial fishermen; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President, Congress, the United States Secretary of Interior and State, and the United States Bureau of Commercial Fisheries to immediately review the threat posed to our marine resources by the foreign vessels fishing off the United States coastal waters; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior and State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 17755. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1372).

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

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes (Rept. No. 91–1373).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.R. 3571. An act for the relief of Miloye M. Sokitch (Rept. No. 91–1374).

By Mr. KENNEDY, from the Committee on the Judiciary, with an amendment:

H.R. 2669. An act to amend Section 213(a) of the War Claims Act of 1948 with respect to claims of non-profit organizations and of individuals (Rept. No. 91–1375).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

H.R. 17272. An act for the relief of certain employees of the Department of Defense (Rept. No. 91–1378);

S. Res. 400. Resolution to refer the bill S. 3779, entitled "A bill for the relief of Concrete Industries (Monier), Limited," to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1376); and

S. Res. 445. Resolution to refer the bill S. 4237, entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company," to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1377).

By Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), from the Committee on Rules and Administration, without amendment:

S. Res. 485. Concurrent resolution authorizing the printing of a report "A University View of the Forest Service," as a Senate document (Rept. No. 91–1379);

S. Con. Res. 2. Concurrent resolution authorizing acceptance for the National Statutory Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska (Rept. No. 91–1381); and

H. Con. Res. 183. Concurrent resolution authorizing the printing of additional copies of House hearings on "Proposed Amendments to the Constitution Relating to Prayers and Bible Reading in the Public Schools"; (Rept. No. 91–1382).

By Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), from the Committee on Rules and Administration, with an amendment:

S. Res. 476. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 91–1380).

CONSUMER PROTECTION ORGANIZATION ACT OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1365)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorable, with amendments, the bill (S. 4459) the Consumer Protection Organization Act of 1970. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Michigan (Mr. HART).

The PRESIDING OFFICER (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

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

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 4540. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 4541. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 4542. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

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

By Mr. FULBRIGHT:

S. 4543. A bill to provide additional foreign assistance authorizations; to the Committee on Foreign Relations.

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 4544. A bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. METCALF when he introduced the bill appear below under the appropriate heading.)

S. 4544—INTRODUCTION OF BILL TO DECLARE THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE FORT BELKNAP INDIAN COMMUNITY

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian community.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

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

The bill (S. 4544), to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community, introduced by Mr. METCALF (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. METCALF follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 3, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that five acres of Government-owned land will be held by the United States in trust for the Fort Belknap Indian Community. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

The parcels described in the bill, comprising 2½ acres each, were formerly the sites of the Kirkaldie School and the Big Warm School. Both tracts were acquired by deeds from the Indian allottees in 1934, since schools were needed for the children living in this isolated area of the reservation. The Kirkaldie School site was quitclaimed by the Federal Government to the local school district in 1962. However, in 1964 the land was quitclaimed back to the Federal Government and the Secretary of the Interior in that year declared a forfeiture of title and reversion thereof to the United States as provided in the Act of June 4, 1953 (67 Stat. 41). The Big Warm School was closed in 1937. The children that had been attending these schools were of course sent to other schools.

The present value of the Kirkaldie School site is $150. The cost to the Federal Government in 1934 was $25. The wooden school building is highly depreciated and in a state of disrepair. It is valued at $600. The Tribal Council made an offer, pending its acquisition of the property, to utilize it for a homesite. As a result, the building has been transferred to the community under authority of the Act of August 6, 1956 (70 Stat. 1057).

The Big Warm School land is presently valued at $50. Its original cost to the Federal Government was $25. The school building is no longer standing. All that remains is the crumbling foundation. A well casing protruding above ground indicates possible availability of water.

The described land is considered to be valuable for coal, but the thickness and extent of such deposits have not been established. The land is in an area where the geologic formations, under proper stratigraphic and structural conditions, are favorable for the occurrence of oil and gas. The nearest producing field is 25 miles to the west. Based on present knowledge, the mineral value of this land is rather low. The land is without value for other minerals, either metalliferous or nonmetalliferous.

The Kirkaldie School land is adjacent to allotted land and will be used for the purpose of exchange. The Big Warm School land is adjacent to tribal lands, allotted land, and one tract of fee land. There are several pending sales to the community in this general vicinity and a growing trend toward consolidation of tribal ownership. With this consolidation members of the Community will use this land along with other tribal lands for agricultural and ranching purposes.

The community by appropriate resolutions has requested these two tracts. As they are no longer used for the purpose for which they were acquired, are excess to our needs, have little value, and can be utilized by the community, this proposed bill will effect the conveyance of the equitable title to the community.

The Office of Management and Budget has advised there is no objection to the presentation of the proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

ADDITIONAL COSPONSOR OF A BILL

S. 4463

At the request of the Senator from Wisconsin (Mr. PROXMIRE), his name was added as a cosponsor of S. 4463, to provide a pool of general service railroad freight cars.

SENATE RESOLUTION 486—SUBMISSION OF A RESOLUTION RELATING TO THE JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN PRISONERS OF WAR HELD CAPTIVE BY NORTH VIETNAM

Mr. DOLE (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. GRIFFIN, Mrs. SMITH, Mr. ALLOTT, Mr. EASTLAND, Mr. YOUNG of North Dakota, Mr. ALLEN, Mr. BOGGS, Mr. BAKER, Mr. MCGEE, Mr. COOK, Mr. GOLDWATER, Mr. BENNETT, Mr. MURPHY, Mr. COOPER, Mr. HANSEN, Mr. HRUSKA, Mr. GURNEY, Mr. DODD, Mr. SCHWEIKER, Mr. TOWER, Mr. FANNIN, Mr. CANNON, Mr. THURMOND, Mr. DOMINICK, Mr. BYRD of Virginia, Mr. PEARSON, Mr. CURTIS, Mr. JACKSON, Mr. COTTON, Mr. SPARKMAN, and Mr. BYRD of West Virginia, submitted the following resolution (S. Res. 486), which was ordered over under the rule.

S. RES. 486

Whereas at the request of the Secretary of Defense, the President of the United States authorized a Joint Army-Air Force Task Force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the Joint Army-Air Force Task Force, under the inspiring leadership of Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners-of-war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas this daring operation will bring to all families of prisoners-of-war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country: Now, therefore be it

Resolved, That the Senate hereby commends the brave officers and men of the Special Joint Army-Air Force Task Force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions; and be it further

Resolved, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve; and be it further

Resolved, That a copy of this Resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force Task Force Rescue Mission.

(The remarks of Mr. DOLE when he submitted the resolution and ensuing debate appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 487—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RUBY M. DOZIER

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res. 487); which was placed on the calendar.

S. RES. 487

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ruby M. Dozier, widow of Ellsworth B. Dozier, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and other allowances.

SENATE RESOLUTION 488—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY ANN MILLER, CORRINE D. STREET, DELORES A. STREET, CALVIN E. STREET, AND CLARENCE E. STREET

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina) reported the following original resolution (S. Res. 488); which was placed on the calendar.

S. RES. 488

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary Ann Miller, Corrine D. Street and Delores A. Street, daughters; and to Calvin E. Street and Clarence E. Street, sons of Dorothy M. Street, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum to each equal to one-fifth of six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 489—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO FRED W. FRAY, JR., AND RICHARD E. FRAY

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res.

489); which was placed on the calendar.

S. RES. 489

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Fred W. Fray, Jr., and Richard E. Fray, sons of Fred W. Fray, an employee of the Senate at the time of his death, a sum to each equal to five months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 490—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO ETHEL G. ROBINSON

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res. 490) which was placed on the calendar.

S. RES. 490

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ethel G. Robinson, widow of William G. Robinson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and other allowances.

AMENDMENT OF THE SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 1082

Mr. MANSFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

RESTORATION OF TITLE IN TRUST TO THE TAOS PUEBLO OF MEXICO—AMENDMENT

AMENDMENT NO. 1083

Mr. HARRIS. Mr. President, I am today joining with the distinguished junior Senator from Michigan (Mr. GRIFFIN) as the principal sponsors of an amendment to H.R. 471, as reported by the Senate Committee on Interior and Insular Affairs. The amendment that we are submitting is cosponsored by Senators BROOKE, CRANSTON, MCGOVERN, and PERCY.

The terms of our amendment would substitute the original House-passed bill for the bill recently reported by the Senate committee by a split vote. Our amendment would provide for restoration of title in trust to the Indians of the Taos Pueblo. Under the version of the bill approved by the Senate committee the Indians would be denied restoration of title and would be given an undefined right to exclusive use of the area under the supervision of the Forest Service.

It was determined in 1965 that the Taos Pueblo was wrongfully deprived of its title to the Blue Lake and the lands they hold sacred surrounding the lake. Title was taken from the Indians in 1906 and the lands were made a part of a national forest.

The Taos Indians have consistently refused monetary compensation for the taking of their land. They have maintained that because of the unique religious and other intrinsic value of this area, the value of the land cannot be expressed in monetary terms. I agree.

The Taos Indians have also consistently maintained that they are entitled to receive at least what H.R. 471, as it passed the House, provides. With this I agree. The struggle of the Taos Pueblo to gain this is a significant struggle for all American Indians. The right of a people to retain their culture, their religion, and their heritage is at stake. I hope the Senate will recognize this fact and approve the amendment we are offering.

I submit the amendment and ask that it be printed as an amendment and that it be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received, printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment No. 1083, intended to be proposed by Mr. HARRIS for himself and other Senators is as follows:

AMENDMENT NO. 1083

On page 6, beginning with line 10, strike out all through line 2 on page 12 and insert in lieu thereof the following:

The section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, be and hereby is amended to read as follows:

"SEC. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonials, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

"Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

"thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant;

"thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894;

"thence east 0.85 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a)(1) of the Wilderness Act (Public Law 88-577);

"thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

"thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

"thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

"thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

"thence southerly to the north boundary of fractional township 25 north, range 15 east;

"thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

"thence north to the northeast corner of the Taos Pueblo grant;

"thence west to the point of beginning; containing approximately 48,000 acres, more or less.

"(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: Provided, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2(c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

"(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1933, shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the

purchase of any rights or improvements on said lands owned by non-Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

"(b) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

"(e) Nothing in this section shall impair any vested water right."

THE TAOS-BLUE LAKE LEGISLATION—A FIRST AND SYMBOLIC STEP TOWARD A NEW ERA FOR INDIANS

Mr. GRIFFIN. Mr. President, I wish to indicate my strong support for an amendment which will seek at the appropriate time on the Senate floor to substitute the House-passed version of H.R. 471 for the bill approved by the Interior and Insular Affairs Committee.

The purpose of this legislation is to convey trust title to the Pueblo de Taos Indians in New Mexico of approximately 48,000 acres of land—land they have used since the 14th century for religious and tribal purposes which the United States took from the Indians in 1906 without payment of any compensation.

President Nixon, in his historic message of July 8, 1970, on Indian affairs, outlined a number of proposals designed to change the direction of our Indian policies. President Nixon specifically cited enactment of the House-passed version of the Taos-Blue Lake bill as an important symbolic step toward development of a new relationship of trust and confidence between Indians and the Federal Government.

This legislation is the first of President Nixon's recommendations in the area of Indian affairs to reach the floor of the Senate. By enacting this legislation in the form recommended by the President we will be according justice and demonstrating commitment to a group of Americans who have been neglected in many respects for too long.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 25, 1970, he presented to the President of the United States the enrolled bill (S. 3630) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

ADDITIONAL STATEMENTS OF SENATORS

THANKSGIVING 1970—A TRIBUTE

Mr. HATFIELD. Mr. President, one of Oregon's leading industrialists, Mr. Ira C. Keller, chairman of the board, Western Kraft Corp., Portland, Oreg., has composed a tribute to the Thanksgiving season which I would like to share with my colleagues. Mr. Keller combines in an unusually effective manner the dynamic qualities of a successful business executive with a fervent support of the fundamental individual strengths of our Nation.

I ask unanimous consent that Mr. Keller's tribute to Thanksgiving 1970 be printed in the RECORD.

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

Would it not be interesting
If we all stopped reading and listening
About what's wrong with almost everything,
And swore a terrible swear
To be exclusively aware
Of the good and the gay
And the beautiful?

Surely we'd find that we do not need
The depressing news of the dissident deed.
And surely if no one watched or heard,
The exaggerated gloom would become absurd
And no one could gain by spreading it.

And then, would it not be refreshing
To cast our doubts away
And simply be
Grateful for the good,
Appreciative of the beautiful,
And thankful to be living
With all the kindly people
Who make life happy and gay?

I.C.K.

THE COST OF LIVING

Mr. KENNEDY. Mr. President, yesterday's dismal news that the cost of living has taken yet another turn for the worse demonstrates once again the continuing inability of the administration to bring the Nation's economy under control.

The rise of 0.6 percent in the Consumer Price Index for October means that prices are now rising at an annual rate of more than 7 percent a year. Coming hard on the heels of the September price increase of 0.5 percent—6 percent a year—the October figures show how rapidly we are losing ground in the fight against inflation.

In addition, over the same 2 months, we have seen the rate of unemployment rise steeply to 5.5 percent in September, and then to 5.6 percent in October. Millions of our citizens are out of work, and the specter of rising unemployment haunts tens of millions more.

Never before in American history have we experienced this situation of simultaneous inflation and recession. For too long, the administration has simply refused to acknowledge the deteriorating condition of the economy, or to change the policies that proved so ineffective in the past.

It should be abundantly clear by now that the administration's current fiscal and monetary policies alone simply cannot do the job of ending inflation and reducing unemployment. By rigidly adhering to its present policies, the President is placing the Nation in a cruel dilemma—tighten the screw and create even greater unemployment, or loosen the screw and send prices and inflation even higher.

There is a way out of this dilemma, however, and the need to use it has never been more urgent. If we are to escape the twin dangers of inflation and recession, we must have an effective policy of voluntary price and wage restraint. The time is long overdue for President Nixon and Budget Director Shultz to abandon their ideological opposition to such a policy, or face the consequences of rising popular demand for mandatory controls and other stringent measures to pull the economy out of its current tailspin.

The adoption of such a wage-price policy—fair and even-handed in its application to business and labor alike—should be our No. 1 priority for the economy. In recent weeks, a large number of the most respected economists and economic organizations in the Nation—and many international groups as well—have joined in calling for the President to implement such a policy. Business Week and Fortune have urged it. So have the OECD, the IMF, and the Bank for International Settlements. Months ago, Arthur Burns recommended such a policy. More recently, Chairman McCracken has given implicit recognition to the need. The Republican members of the Joint Economic Committee agree that such a policy is essential. This week, the highly respected Committee for Economic Development, representing 200 of the foremost business executives and educators in the Nation strongly recommended such a policy.

I urge the President to act now to establish an effective wage-price policy. I believe that it is the single most important step we can take today to restore the health of our sick economy. The alternative is to allow the present slide to continue, and generate yet another disastrous round of rising inflation and unemployment.

AMERICAN SERVICEMEN HELD CAPTIVE BY NORTH VIETNAM

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Texas (Mr. TOWER) relative to American servicemen who are being held captive by North Vietnam.

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

STATEMENT BY SENATOR TOWER

There is hardly a member of Congress who has not in a variety of ways expressed deep concern for our servicemen who are held captive by the North Vietnamese. We have decried the inhumane treatment that has been accorded these men and the flagrant disregard of North Vietnam for the provisions of the Geneva Convention on Prisoners of War. This past weekend affirmative action was taken to rescue some of our men. It was a bold effort demanding of a high degree of personal courage and expressing more clearly than words the deep concern of the volunteers who undertook it.

We have been at the peace table two years. The most significant breakthrough in negotiations was, after prolonged wrangling, agreement on the shape of the table. Meanwhile, our servicemen have been suffering, rotting and dying in North Vietnamese prison camps and their wives, children, mothers, and fathers have been subjected to the perpetual anxiety of not knowing whether they are alive or dead, well or ill. This uncertainty, wielded like a bludgeon by the North Vietnamese to break the morale of innocent women and children in the United States, is a vicious and unprincipled psychological weapon. Perhaps, this daring strike to free Americans will convince the North Vietnam-

ese that there is no profit in it; that they cannot persist in this inhumane course with no effort, save words, put forth to discourage them.

Mr. President, it is with great enthusiasm that I join with the Senator from Kansas and others in commending Colonel Simons, General Manor, and their valiant volunteers for their efforts in behalf of American servicemen held captive in North Vietnam.

DISASTER IN EAST PAKISTAN

Mr. INOUYE. Mr. President, while much attention has been focused on the problem of people caught up in the conflict which has raged for far too long in Southeast Asia, the very serious and major suffering which has occurred through natural disasters in recent weeks has gone almost unnoticed and unmentioned. The worst of these is, of course, the disastrous cyclone which hit the delta area of East Pakistan.

I would like today to call the attention of my colleagues to another recent and major tragedy—the severe typhoon which hit Manila and central Luzon last week with such destructive and terrifying force.

This typhoon—the fourth to hit the Philippines in recent weeks—has left some 170 dead, 200 missing, 1,500 injured, an estimated 30,000 homeless, and has resulted in some $80 million loss in property damage.

It knocked out water and electric power service to much of Manila and other areas, disrupted communications and has threatened the health and welfare of the Philippine people. It is a major national disaster.

With our long history of involvement in the Philippines, and with our history of affection for the Philippine people, I was naturally concerned that our Government take effective action to help these people in their hour of need.

I have been assured by our State Department that such aid is being given. They report that we moved in mobile generators to restore electric power; that our military made available numerous water trucks to provide drinking water for the population, that we provided aircraft for the use of Philippine officials in evaluating the extent and nature of the damage and in assessing relief needs, that we distributed food relief supplies including some 30,000 nutri-bunds and 13,000 50-pound sacks of flour to the needy and the suffering.

I have been assured that our response has been generous and timely. I commend those responsible, for it should certainly not be otherwise, and I encourage extraordinary effort.

We should be generous in cases of natural disaster any place on this globe. Too often we appear to provide military assistance to foreign governments under the claim that this is essential to the survival of a free government and to the welfare of a people, but when faced with a crisis brought on by natural disaster we appear to be penurious in our help and ill-organized to extend it effectively. Is it any wonder then that our motives are sometimes questioned?

In the case of the Philippines we should be particularly generous. The Philippine people are not some vanquished former enemy or hostile or even a neutral people—they are our friends and in a sense part of our "family". They have helped us in our hour of need. We must spare no effort in being of assistance when we can. We owe the people of the Philippines much for their support and valiant efforts during World War II. I know that that friendship which binds us will be greatly strengthened by our generous help in the current crisis as we seek to alleviate the suffering caused by this disaster.

IS BOMBING THE WAY?

Mr. HATFIELD. Mr. President, reports of increased bombing within our country and the tragic loss of life and property that comes in the wake of such violence questions the integrity of our institutions as well as presenting a challenge to the American people. Just as those who decry violence at home and advocate it abroad are hypocrites so are those who decry violence abroad and advocate it at home. Both are saboteurs of peace and should be equally condemned.

During the recent adjournment, Mr. President, Nicholas von Hoffman spoke to this point very well in his column published in the Washington Post of October 19, 1970. Those who seek justice, those who seek a fulfilling peace, those who seek freedom for themselves or others, can only demean and deter progress toward their goals if they assert a policy of violence. I ask unanimous consent that the commentary by Nicholas von Hoffman be printed in the RECORD.

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

BOMBING ISN'T THE WAY

(By Nicholas von Hoffman)

What would you do if your doorbell rang at three o'clock some morning, and when you went to answer it there was this person, recognizable as an acquaintance or friend, standing there, looking at you and saying, "Hide me! I've just blown up a police station."

Very few of us will ever be unlucky enough to be put in that position directly, but many, many of us are put in it conversationally. All the time people are talking about the revolution—no longer about the movement—all the time they're talking about the bombings, Angela Davis, the shootings, all the time they're soliciting some of us to declare we approve of it even if we can't exactly make ourselves join in.

There are a lot of pressures on many of us to assent.

There are the external ones, such as Agnew is against it; it's hard to concede that even Agnew can be right once in his flannelmouthed life, hard to be on the same side of any question with guys like him. But you don't have to be directly involved to be an accomplice in a non-legal sense. Agnew is right when he gives it to people who talk up the idea of blowing up buildings.

There are so many whispered, admiring conversations about righteous cats into heavy business and no one argues about it. It's taken for granted that it's okay. The underground newspapers are no help. Even though it's their First Amendment right to print diagrams of guns and bombs and turn their pages into replicas of War Department manuals, they also are contributing to an ambiance of encouragement.

The more difficult-to-resist pressure comes from within, from a hatred of the kind of person who won't live what he believes. The inner spokesman tells you, "If you believe in why these people are detonating bombs, then you must help them, you must take part and be one with them."

Charles A. Reich in a very fine article called "The Greening of America" (The New Yorker, Sept. 26, 1970) says that people who think this way partake of a new consciousness, one that "does not think much of fighting for change from the comfort of personal security and elegance. He feels if he is to be true to himself he must respond *with* himself. If he is deeply committed he may take a job teaching in a ghetto school, which offers neither prestige nor comfort but offers the satisfaction of personal contact with ghetto children. He does not assume that he can fight society while luxuriating in its benefits. He must take risks—the risk of economic loss, of discomfort, of physical injury, of a jail sentence. The liberal can be detached, cool, intellectual, cynical; he fights with his head. (The new consciousness) is more apt to feel visceral outrage at the ugliness of a freeway or the misery of a slum."

This is the tug of the Weatherman myth; the supreme, unto-death refusal to act and live powerlessly when individual impotence and powerlessness is the most universally shared social perception. Reich expresses it well, calling America, "one vast, terrifying anticommunity." He says, "We seem to be living in a society that no one created and that no one wants. The feeling of powerlessness extends even to the inhabitants of executive offices . . . 'Government' is forbidden to interfere with free speech but corporations can fire employees for free speech, universities can expel students for free speech, and newspapers and television and magazines can refuse to carry 'radical' opinion."

The bomb, then, is thought of as the tool of resistance in a society which can legally and constitutionally deprive you of food, shelter and clothing unless you talk, dress and live in a manner suitable to the interlocking, corporate units we all work for. But this said, is this justification for the trashing, the bombing, shooting and the kidnaping that the FBI thinks, with good reason, is to come?

The answer to that question is an unqualified no on all grounds. We must examine the grounds and not give a vague, nodding approval to these acts because they don't injure us personally, and it's all far away and distant, and anyhow we don't personally know anyone who's into high explosives. That's exactly how a lot of people have supported the Vietnam disaster.

The tactical grounds for saying no are simple. These may be revolutionary acts, but they're not acts in a revolution. There is not now nor will there be in the forseeable future an armed revolution in the United States. The bombings will only incite a lot of calamitous legislation which will be enforced with the panic and bad judgment that springs from fear.

There are other and higher reasons for saying no. If we deny that this government has the right to waltz into Southeast Asia and pronounce summary judgment on the people and property there, where do any of us get the right to do it here? Does ardent belief in certain principles issue any of us a permit to bomb and kill?

One of the more recent incidents was the bombing of a library at Harvard. The bombers are purported to have said they did it because the Nixon administration uses the books there in carrying out foreign policy. What kind of rubbish is this? We ought to be grateful the Nixon administration has taken to reading books, even Zap Komiks.

After the terrible experiences that have belonged to successive generations of this cen-

tury we should have learned the means always shapes the ends. Whatever end is accomplished by means of murder and explosions will be inherently murderous. We have Thieu and Ky as examples of that. You don't beget peace, tranquility and a generous and tender caring for life by murdering policemen and blowing up buildings.

SOVIET JEWS

Mr. RIBICOFF. Mr. President, last night at the Washington National Cathedral, 2,000 concerned citizens gathered to protest the mistreatment of Jews in the Soviet Union. The recent arrests and the impending trials are only the latest in a series of actions designed to intimidate and silence the Jewish population of the Soviet Union. There is genuine cause for apprehension over the ultimate fate of Russia's 3 million Jews as a result of the increased tempo of the vilification of Jews and Israel in the Russian media. This meeting was held to call attention to this danger.

I ask unanimous consent that the text of my remarks to this gathering, sponsored by the American Jewish Conference on Soviet Jewry and the Jewish Community Council of Greater Washington, be printed in the RECORD.

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

STATEMENT BY SENATOR ABE RIBICOFF

Whether 3 million Russian Jews will survive as Jews depends to a great extent on how much attention can be focused on the discriminatory and repressive actions of the Soviet government.

Premier Kosygin's "workers' paradise" in the year 1970 has become a living hell for those Jews who have lawfully expressed their desire to emigrate to Israel. The recent arrests, acts of intimidation, and crude vilification of Jews in the press speaks louder than the hypocritical denials of anti-Semitism by Soviet spokesmen.

When the word Jew is made synonymous with the word Zionist, and when Zionism is openly compared to Nazism, then the Soviet Union is not deluding anyone. The Soviet government's systematic eradication of Jewish life exposes all too clearly the true motives of a regime which purports to treat all religions with equal indifference, but the Jewish religion differently and unequally.

But the problem is not one of presenting the damning evidence. We already have far too much of that. The problem is to translate concern into action.

Let us face the facts. The Soviet Union's unwavering support of the Arab cause in the Middle East and the restrictions on travel abroad imposed on all Soviet citizens, rule out any sizeable migration of Soviet Jews to Israel in the forseeable future.

But if they will not let Soviet Jews go—they might be induced to leave them alone. Without sacrificing vital Soviet interests, why can't a few more families be reunited? Why can't a minimum of Jewish religious life be tolerated? At the least, we can dare to hope that the Soviet Union will begin to narrow the yawning gap between what they say about their treatment of Jews, and what they actually do.

In the past we have passed a Joint Resolution condemning the persecution of Soviet Jews. I have met with Ambassador Dobrynin, and have intervened on behalf of Soviet Jewry with the highest officials in our own land. Many of you have attended other meetings and protests and have made your feelings known.

While the results of these efforts appear today to be so tragically disappointing, yet Soviet sensitivity over this issue demonstrates that while they may deny, they still listen. And they listen particularly closely here in Washington to see how much our own country cares about the fate of Soviet Jewry.

We must continue to confront the leaders of the Soviet Union with the monstrous crime of cultural genocide they are practicing against Jews in the Soviet Union. We must let the Soviet government know that we will continue to expose their shameful acts, and that we will not turn our backs on our brothers imprisoned in Russia. We must persist in embarrassing the Soviet Union until its discriminatory policies cease. And we must convince our own government that the subject of Soviet Jewry must be placed high on the agenda of the outstanding problems between our two countries.

In the final analysis, we must make the Soviet Union realize that its mistreatment of Soviet Jews is counter-productive politically, and damaging to its world position. Unless we do this, 3 million more Jews will be lost.

Human decency demands that we do everything in our power to ensure the survival of our fellow Jews in the Soviet Union.

THE ANTICIGARETTE BRAINWASH CAMPAIGN

Mr. COOK. Mr. President, amidst the strident voices of anticigarette zealots there occasionally comes through a dissenting peal of truth, totally unvarnished as to exaggeration or fact. With an impressive outburst of candor the New York News, New York City, one of the largest circulation newspapers in the United States, printed an editorial on November 15 which was a stinging rejection of the publicized request of the president of the American Cancer Society for free advertising space in newspapers to carry on its anticigarette crusade after the first of the year.

Entitled "Tops in Gall," the editorial places the controversy in proper perspective, and I salute their bravery in confronting the great brainwash campaign, 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:

TOPS IN GALL

The new federal law barring cigaret commercials from television and radio takes effect Jan. 2, 1971, and the American Cancer Society says it expects "a massive influx" of cigaret advertising thereafter to the newspapers, magazines and other print media.

We hope the ACS expectation is correct.

The News likes advertising, lives in large part on advertising, and has no slightest compunction about printing cigaret advertising.

We feel this way because—while we don't claim that smoking cigarets will improve your health or make you an athlete like unto Joe Namath—we do not believe the charges that cigarets cause lung cancer, emphysema and heart trouble, though they can aggravate some of these ailments after you contact them from other causes.

Further, we hereby reject an appeal which the American Cancer Society already is making, and which we consider tops in gall: namely, that after Jan. 2 the newspapers and magazines give the ACS space in which to answer the cigaret advertisements.

We'll be happy to sell such space to the ACS. But donate such space? Certainly not. We are not in business for our health, and once this stuff started there is no telling where it would end.

Incidentally, the Damon Runyon Memorial Fund for Cancer Research (founded by Walter Winchell) peddles no propaganda, allots all funds to bona fide cancer research, and has offices at 33 W. 56th St., New York, N.Y. 10019.

THE DEESCALATING WAR AGAINST POVERTY

Mr. BAYH. Mr. President, in his inspiring inaugural address, the President told us that:

Our task is to build on what has gone before—not turning away from the old, but turning toward the new.

And for "Those who have been left out," he promised, "we will *try to bring* in." On October 12, we learned of the latest effort to build, and to bring those in who have been standing outside the system. For on that day there were reports to the effect that the Office of Economic Opportunity would be ordered to cut its fiscal 1972 budget in half. This would mean reducing the present OEO budget of $2.08 billion to $1.05 billion. In addition to these budget cuts, it was also reported that the President would recommend transfer of a number of antipoverty programs to other Federal agencies. The rationale being used here is that those antipoverty programs which will be transferred will no longer need to be funded out of the OEO budget.

If it is indeed true that the next OEO budget is to be cut in half, I feel compelled at this time to speak out against the poverty of the Nixon administration's antipoverty policies. It is quite evident that the direction the administration is taking can only be detrimental to the long-term interests of those who have for far too long been standing outside the system. I fear that instead of bringing the poor in, as they—and we—were led to expect, new barriers are being erected. A pattern can clearly be seen developing within the Nixon administration obviously aimed at decreasing the effectiveness of what was once termed "The War on Poverty."

When considering the real course of our national priorities, as distinguished from the President's words, it is becoming more and more evident that ending the cycle of poverty is not high on the list. The President's strategy is becoming more evident all the time. While deescalating the war in Vietnam slowly, he is rapidly deescalating our national commitment to winning the war against poverty.

Let me briefly recount some of the events of the past year and a half that illuminate the direction the President has apparently decided to take in relation to the poor.

THE JOB CORPS

On April 11, 1969, it was announced that the Job Corps would be integrated into the Labor Department. Of the 106 Job Corps Centers in operation at that time, 59 were to be closed down. The

President claimed this move was being made in order to save an estimated $100 million. But the impact of these cuts in the program cannot be measured in financial terms. With the closing of the camps and the de-emphasis on the importance of the Job Corps, many hard to employ youths were sent to their homes to face the pending summer with little if any chance of employment. It took a lot of work to convince many of the Job Corps recruits of the importance of job training. As a result of the Job Corps cutback, these recruits were left not only without a job, but with less hope than ever of getting one. On April 25, 1969, I questioned the Nixon policy. I said then:

By cutting back such a worthwhile program of job training, we are not helping the underprivileged help themselves; we are merely putting them back on the streets. President Nixon's substituting "mini" skill centers for Job Corps Centers is simply substituting "mini" solutions for maximum problems.

HEADSTART

For years Headstart has been referred to as the "darling" of the antipoverty program. It has certainly been one of the most successful and most popular programs to attack poverty. Its purpose has been to start early by guaranteeing a decent education to children between the ages of 3 to 6. Headstart has had few opponents in its brief history. But money has been desperately needed to make it work. It has been estimated that Headstart will reach 488,500 children in 1970. But in 1971, it is estimated that the program will reach only 403,700 children. Why should such a popular program decrease its outreach rather than increase it? The answer is because OEO has requested only $339 million for Headstart compared to $326 million in 1970. But in 1971 the emphasis on Headstart is seen as a full year rather than a summer program. Because of this emphasis, the increased request falls far short of meeting the demand. It is becoming more and more evident that even the successful Headstart program is expendible.

LEGAL SERVICES PROGRAM

This program has been a great asset in fighting the battle against poverty. It has operated on the premise that no one should be restrained from obtaining legal assistance in matters of civil law because of their inability to pay for it. But even this program recently appeared destined to undergo a watering-down process which would in fact dilute its effectiveness. This would have been done by decentralizing the Legal Services Office and placing it under the control of 10 regional officers. Under this reorganization the chief regional officer did not necessarily need to be a lawyer.

This would mean that the hard work of an independent lawyer could have been overruled by a nonlawyer regional director whose decision might have been the result of political motivations. I was encouraged to see that OEO Director Rumsfeld has publically announced that the proposed decentralization will not take place. He sighted his reason as pressure from Members of Congress and the American Bar Association. I ask unanimous consent to have printed in the RECORD an article from the Washington Post of November 15 which explains Mr. Rumsfeld's position.

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

POVERTY CHIEF SHIFTS ON LEGAL SERVICES

Bowing to pressure from the organized bar and Congress, antipoverty director Donald Rumsfeld has decided against putting the embattled legal services program under the control of regional directors.

Rumsfeld's decision ended, at least temporarily, a two-month battle among lawyers and government officials in which bar leaders charged that the Office of Economic Opportunity was scuttling a major bar-supported program of legal aid to the poor.

The move, which Rumsfeld said had been explored in a quest for greater efficiency, stirred opposition from liberal congressmen from both parties as well as the American Bar Association and a special advisory committee that has worked for five years to ensure lawyer control of the program.

ABA SUPPORT NEEDED

Rumsfeld disclosed his decision yesterday in an announcement that showed he still favored the decentralization idea but was impressed by the opposition from the ABA and members of Congress. ABA support for the program is "crucial," he noted, and key legislators had provided "helpful suggestions" about the controversy.

The lawyers argued that the program, which has frequently stirred the ire of local politicians by suing for the rights of persons who never had lawyers before, should not be controlled by regional supervisors who were non-lawyers and were subject to local political pressures.

They contended the program was safer with direction from Washington under Legal Services Director Terry Lenzner, who was reported ready to resign if bypassed under the reorganization.

Rumsfeld vigorously denied that the regional chiefs were politically motivated or "unsympathetic to the program or to the interests of the poor." He said he was taking immediate steps toward accomplishing, without regionalization, better coordination between legal services and other antipoverty programs.

Lenzner said he could not comment in detail about the announcement because he had seen it for the first time yesterday and had not been consulted by Rumsfeld about it during the past week. He said the announcement "appears to be a reaffirmation" of a policy decision last year to maintain the program's professional independence.

AMENDMENT OPPOSED

ABA officials were successful last year in rounding up opposition to an amendment that would have permitted governors to veto legal services programs in their own states. They charged that the regionalization program threatened to accomplish some of the same objections which Congress had just repudiated.

Rumsfeld said his decision had been made with "particular attention" to the views expressed in a letter last month from ABA president Edward L. Wright, but he said nothing to indicate he shared Wright's views on the merits of the issue.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my letter of October 30 to Mr. Rumsfeld, stating my position on the issue.

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

OCTOBER 30, 1970.

Hon. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR DON: In the past few weeks there have been a number of conflicting reports concerning the future course of the Legal Services Program of OEO. One element appears to be common to these reports: that plans are being formulated to regionalize the Legal Services Program. Because of the possibility of such regionalization, I feel that it is necessary to make my views clear on this matter.

Obviously, the Legal Services Program under the dedicated leadership of its director, Terry Lenzner, has been a great asset in fighting the battle against poverty. It has operated on the premise that no one should be restrained from obtaining legal assistance in matters of civil law because of inability to pay. It has been reported that decentralization of the Legal Services Office would mean placing it under the control of 10 regional officers. Under this reorganization, the chief legal officer need not necessarily be a lawyer. This would mean that an independent lawyer's findings could be overruled by a regional director untrained in law and on the basis of non-legal considerations. This proposed move could also infringe upon attorney-client relationships, another result disadvantageous to the poor.

In the past, I have actively supported legislation designed to bring improvements to the anti-poverty program. The successes of that program have convinced me of the need to expand it so that it might more effectively serve the approximately 25 million Americans who are now in poverty. It is evident that the latest plans of OEO would have a negative effect on these same people.

Many of the Nation's poor have never received the legal rights they deserve. The Legal Services Program has been an effective instrument serving to correct this deficiency. This was recognized by the Washington Post when it stated editorially on October 30, 1970 that in its relation to the poor, "The law has been an ally, not an enemy". I concur with this description and am concerned that any regionalization would seriously threaten if not destroy this relationship. Many of the poor have put their faith and trust into the law, particularly since the good legal assistance available through the Legal Services Program has encouraged the poor to work through the system rather than to reject it. Certainly, OEO should consider this important fact before any final decision is made.

In March of 1969 the Office of the Comptroller General of the United States, in its "Review of Economic Opportunity Programs", spoke quite positively about the Legal Services Program. The report stated that, "LSO had contributed significantly in providing equal justice under law to the poor . . .". The report asserted further that LSO has been able to do this by "affording legal representation to the poor and educating them as to their legal rights and responsibilities". To date, the LSO has certainly not reached its full potential. I am aware that out of the 5 million persons needed to be served by the program, only 800,000 cases will be handled by LSO in 1970. By putting the program under regional administration you are practically guaranteeing that this potential will never be reached.

I would appreciate having your clarification concerning the future of the Legal Services Program and will be looking forward to your prompt reply on this important issue.

Sincerely,

BIRCH BAYH.

Mr. BAYH. Mr. President, I was pleased that Mr. Rumsfeld was receptive to the concerns of myself and my Senate

colleagues regarding the legal services issue.

However, after Mr. Rumsfeld publicly stated his stand against regionalization of Legal Services, he turned around and fired the chief of the Legal Services program, Terry Lenzner, and his deputy, Frank Jones. As a result of his action, Mr. Rumsfeld has again placed himself in opposition to the best interests of the poor in this country. During his leadership of the Legal Services program Mr. Lenzner has molded the program into a powerful weapon to be used by the poor to fight their battle within the structure of the American system of justice. In firing Mr. Lenzner, OEO Director Rumsfeld has again projected himself as a voice for the President rather than a voice for the poor. This unfortunate action comes at a time when the Legal Services program desperately needs a restoration of confidence in order to perform the job for which it was designed. That is, to assist the poor in obtaining the legal rights that more fortunate Americans now enjoy.

THE MIGRANT DIVISION

Again we see the impeding threat to the OEO Migrant Division which may also be destined to decentralization. It is essential that the authority over migrant programs not be placed in the hands of politically motivated regional officers.

THE COMMUNITY ACTION PROGRAM

This program has been hard pressed ever since the Nixon administration took office. Its primary aim is to organize the poor to help themselves. Yet the President is operating against increasing this program. It is estimated that $145.8 million will be spent on community action operations in 1970. However, the President's fiscal 1971 budget calls for only $142.8 million for this important program. It is becoming increasingly harder for the requests of the poor to be heard. Because of both the financial cutback and the hardening of administration attitudes, it appears that there will be less ears listening to the poor in 1971.

VISTA

Another recent step taken to slow the progress of the antipoverty program has been the policy changes within VISTA. Born out of the idealism of the early 1960's, VISTA has since provided a vehicle for many concerned Americans to work toward bringing change to the country by peaceful and constructive means. The primary strength of VISTA throughout its brief life has been the aspect of community planning and organization. One of the biggest failures of the new OEO policy is the quota system which determines what percentage of volunteers can work in a particular problem area. As a result of this new policy, only 11 percent are allotted to work in the field of community planning. The remaining percentage of volunteers are then designated to work in areas ranging from education and manpower programs, housing programs, health programs, and economic programs. However, this new policy overlooks the basic reality that before you can effectively bring about all of these programs you have to be able to bring the community together. It could be concluded that the 11 percent of volunteers allotted for community planning is an outright attempt to keep poverty area communities divided.

These six examples are only a small part of the problem being raised as a result of the administration's new efforts toward bringing changes within the Office of Economic Opportunity. The attempt at dismantling the war on poverty at this time in our Nation's history can only lead to more racial disunity and greater alienation among many Americans.

On February 19, 1969, President Nixon in a message to Congress set forth his commitment on the question of poverty in America. In that speech, he said of poverty:

> It cannot and will not be treated lightly or indifferently, or without the most searching examination of how best to marshal the resources available to the Federal Government for combating it.

His verbal commitment at that time was both far reaching and positive or so it seems. Certainly the poor were willing to give the newly elected President a chance to act on behalf of their well-being. But over a year and a half has now passed and history has taken its toll. If a searching examination has been made, the feelings which have resulted have certainly not been encouraging to the poor. It is highly doubtful that the President will be able to live up to his commitment to the poor if he continues to follow the direction in which he is currently headed.

To sum up my position, it appears to me that the expectations of the poor do not coincide with the effort expended by the President. The administration's output simply does not go far enough. As my colleague, Senator JAVITS, stated on the Senate floor on August 24, 1970, while discussing the Headstart program:

> In fiscal year 1969, 664,000 children participated in the program. The number declined to 488,500 in fiscal year 1970. The Administration's request for fiscal year 1971 would provide opportunities for only 403,700.

When taken into consideration that the total number in need is 1.3 million children, we can readily see that the situation is becoming worse rather than better. It is not only Headstart that we find lacking in its ability to deal with the total need. Other programs as well are far from reaching their need. It is estimated that the Legal Services program will reach only 800,000 cases in 1970. This compares to a total need of 5 million. Programs for migrants have reached only 284,000 people in 1970 compared to a total need of 3.9 million. The Community Action program will reach an estimated 5,288,000 persons in 1970. The total need here totals 33,850,000 persons. The shortage of funds within the antipoverty program is a serious problem. If we are going to meet the total need standard we are going to have to increase our effort, not cut it back. If we are going to talk about commitment we must also talk about the funds to meet that commitment.

It is, therefore, essential that the funding level of the antipoverty program must not be cut. Confidence must be restored to the programs I have previously discussed.

On Friday, November 20, the Senate approved an additional $59 million for the Headstart program which will enable it to serve an additional 100,000 children over last year if accepted by the House-Senate conference. In addition, the Senate itself restored $42 million for work and training programs which had been cut by the House.

The amendment which I cosponsored provided for increased appropriations for title I, parts A and B of the Economic Opportunity Act. Programs funded under this title are critically needed to serve those persons affected by the already increasing rate of unemployment in the country. In the month of October, the unemployment rate rose to 5.6 percent. This was a 0.1-percent increase over the September figure. Of this percentage rise, the rate for blacks and other minority groups rose from 9 to 9.3 percent. The rate for white workers increased from 5.1 to 5.2 percent. This steadily increasing rate of unemployment is having a very serious impact on those rural areas that cannot avail themselves of broadly diversified opportunities for employment. The impact on workers in the 45 and older categories is critical since they tend to be under greater economic pressure and less able to adjust to changes in employment.

Part B of title I is specifically geared to provide adult work and increased opportunities in rural areas. It is for this reason that the amendment I cosponsored was so vital. Significantly, a majority of the Senate recognized the crucial nature of the problem and passed it. The President's plan if allowed to continue will not be a helpful factor in reuniting a divided country.

The administration's position on this whole matter has been vague and indecisive. It has been reported that OEO Director Donald Rumsfeld recommended as many as three alternative budgets to the Office of Budget Management Director George Schultz. There have also been reports that only $570 million will be available for OEO to operate programs which this year cost $1.3 billion. Because of the conflicting statements arising from this situation, I call upon the President to clarify his position and tell America's poor once and for all if he is going to be cutting the antipoverty program or fulfilling his previous commitment of not treating the program lightly or indifferently. The time has come for us to recognize the need to make an all-out effort to put those in need on their feet so that they can be producing members of society.

Let me conclude by once again restating my concern over the direction the administration is taking in regard to the need to eradicate poverty. The evidence to date has been disappointing or ambiguous, or both. The most recent confusion over the role of OEO and the OEO-funded programs points to continued equivocation. All concerned about the plight of the Nation of deprivation that exists within this Nation of affluence

must demand clarification of the administration's position. For times call not for semantic doubletalk but for statesmenship. I challenge President Nixon to state his position and back it with a tangible commitment. The times are too perilous to do otherwise.

DIALOG ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the death of Gamal Abdel Nasser September 28, 1970, climaxed a series of events in the Middle East, the consequences of which we have really yet to determine. On October 2, 1970, Peter Mansfield produced a program for the British Broadcasting Co., presenting the views of numerous individuals with diversified backgrounds and experience in the Middle East. Included in the program were Sir Harold Beely, former British Ambassador to Cairo; Anthony Nutting, former Minister of State for Foreign Affairs in England; David Farhi, lecturer in Middle East studies at the Hebrew University in Israel; Dr. Mohammed Mehdi, an Iraqi teacher in London; Dr. Rahda Karmi, a Palestinian working in England; Michael Adams, director of information for the Council for the Advancement of Arab/British Understanding; Mr. Masseiba, former Arab mayor of Jerusalem and former Jordanian Ambassador in London; General Herzog, former chief of Israeli military intelligence; Sir William Hayter, former British Ambassador in Moscow; George Ball, Under Secretary during the Kennedy administration, and E. C. Hodgkin, foreign editor of the Times.

The views expressed by the individuals participating in the broadcast give an excellent perspective on the nature of the numerous complexities and dilemmas faced in the Middle East. I ask unanimous consent that a transcript of the October 2, 1970, BBC broadcast be printed in the RECORD, as follows:

ANALYSIS

(Presented by Peter Mansfield)

ANNOUNCER. And now Analysis. In the place of the advertised programme Analysis now examines the situation in the Middle East since Nasser's death. Peter Mansfield presents the views of a number of people concerned in the immediate future of political moves in the area and tries to find out how recent events are likely to affect the prospects of war and peace in the Middle East.

MANSFIELD. Statesmen all over the world are considering the meaning of President Nasser's death. President Pompidou of France saw in his lucidity and his courage essential factors in the re-establishment of peace in the Middle East. The Italian Prime Minister said his moderation, which is the noblest and most difficult form of courage, would be hard for his successor to emulate. Even the Israelis have hardly exulted in his departure from the scene. His oldest living enemy, Mr. Ben Gurion, has said that it is regrettable that he should have died at this stage of negotiations for peace. It scarcely needs saying that it'll be difficult for anyone to succeed him in Egypt. His influence will be felt for many years to come. But if and when his successors has succeeded in establishing their position, what are their policies likely to be. Will they be more militant in their attitude towards Israel? Will they finally close the door on all dealings with the United States, and accept complete Soviet tutelage? Or will they tend to turn in on themselves, by withdrawing from the Arab world, and reverting to an Egypt first policy. The late President's last act was to use his authority and prestige to help King Hussein of Jordan and the Palestinian leader Yasir Arafat to end the tragic Civil War in Jordan, a settlement that seemed impossible only two days before, as the Palestinians were describing King Hussein as "the butcher of Amman", or an "Arab Nero". The Civil War, and the plane hi-jackings which preceded it, have perhaps for the first time made the whole world sharply aware who the Palestinians are and why they have been driven to such desperate acts. If understanding is necessary for peace then some progress has been been made. But still the gap between what the Palestinians want and what the Israelis or the big powers, including the Soviet Union, say they should have, is enormous, and apparently unbridgeable. Does this mean that the Palestinians will have to fight on for another century, as so many of them say they are prepared to do? And if they have to do this, does it not mean inevitably that they will become more extreme and more desperate and that they will draw in all the Arab peoples behind them until they are not the moderate President Nasser, are the acknowledged leaders of Arab nationalism. It is a sobering thought, but we cannot dismiss it from our minds merely because it is such a depressing prospect. But first, what was this man like whose death has left such a vacuum in Egypt? Sir Harold Beeley, five years British Ambassador in Cairo, knew him well.

BEELEY. He was a man I think with an instinctive talent for politics, and a man who probably thought about little else. Politics were his life. He exerted himself with the utmost seriousness to the interests of Egypt as he saw them, and to the interests of the Egyptian people. And, of course, the Egyptian people identified themselves with him, as is shown by the scenes in Cairo. He was a man of great tenacity, patience, and became over the years a factor of stability in the Arab world. Egypt has always been the centre of gravity of the Arab world, and with Nassar in control of Egypt he became more and more a moderating element.

MANSFIELD. Mr. Anthony Nutting first met him as Minister of State for Foreign Affairs when negotiating the Anglo-Egyptian Agreement of 1954, and has often talked to him since. Before he left London to attend his funeral he described Nasser in these terms.

NUTTING. I always found him a man of enormous charm. I liked his sense of humour, he had a very English-type sense of humour. And he was a man who in conversation and negotiation, and if you were interviewing him for television which I did once, was so reasonable and talked so calmly and considering your questions, thinking out the answers, not the ranting, rabble-rousing demagogue haranguing the multitude, ganging everybody up for war, which was the public idea of him, the public image of him. He was in stark contrast to this. He wasn't a rabble-rouser at all. He was, I believe, in everything that he stood for as studiously moderate and reasonable as he was in the very rare appearances that he made on television, but which had been seen by people in this country, where people have said "this is just, this can't be Nasser, this isn't the Nasser that we know." This was the real Nasser.

MANSFIELD. But who will succeed him, and perhaps more important, what will be their attitude towards the rest of the world? Sir Harold Beeley again.

BEELEY. I would expect the correct constitutional procedures to be followed in Egypt, and therefore I would expect the inner circle as it now exists, that is to say the members of the Higher Executive of the Arab Socialist Union, and of the existing Government in Egypt, to produce a successor from among themselves. Obviously no successor in that circle can have the authority that President Nasser had, and I therefore think that the offices of President and Prime Minister, which Nasser had combined in his own person in recent years, will be separated. And to that extent there will be a diffusion of power. I think that the general objectives of the new regime will not be very different from those of President Nasser. But there will, of course, be an important difference in the position of the U.A.R. in relation to Palestine as a result of his death. The policy of the U.A.R. had to take . . . has had to take into account up 'til now both the interests of the country it serves and the position of President Nasser in the Arab world as a whole. The second factor has to a large extent lapsed with his death, and I think there is a possibility that the policy of the new regime will be more specifically Egyptian than-er- his policy was in the Palestine question.

MANSFIELD. Mr. Nutting foresees trouble with the Army.

NUTTING. Nasser's successor will have far more difficulty restraining the Egyptian Army than ever Nasser did. I remember the last time I saw him—it was just after the Israelis had perpetrated a raid up the Nile with helicopters, and they'd blown a few bridges and so on. And I said "Was the Army—I understand the Army was raring to go—I understand you had great difficulty in restraining them." And he laughed, and he said "I had great difficulty in restraining the Army yesterday"—which was when it happened. He said "I had great difficulty in restraining the Army two days betfore that. I had great difficulty in restraining the Army a week before that, and a month before that, and a year before that. I always have difficulty in restraining the Army." And I think his successor is going to find it very very difficult to restrain the Army. The main restraint on the Army lies in the fact that they don't have the offensive weapons. That the Russians have been very careful only to give them defensive weapons. But even with the defensive weapons they may want to have a go, if the Israelis cannot be negotiated out of the Sinai Peninsula and away from the Suez Canal.

MANSFIELD. The Israelis are also understandably closely watching developments in Egypt. Mr. David Farhi, lecturer in Middle East Studies at the Hebrew University in Israel, sees two options open to the successor regime.

FARHI. The first option is to conduct a policy which will be based on Egypt as a centre, will regard Egypt as a separate political entity with a separate history and a separate past, who happens to be a part of Arab culture, but has got the wrong problems to tackle, and she's basically a Mediterranean and an African country. One should suppose that this kind of policy will be more inclined towards the West, or less connected with the Eastern Bloc, the . . . the other school of thought. The second option will be more inclined towards Arabism and reversion of forceful . . . which usually is called Arab Socialism in the . . . in the Arab East. And this, of course, will be connected again with the Eastern Bloc and with the Asian and African countries who have regimes which are connected to this school of thought . . . school of politics.

MANSFIELD. I found Mr. Farhi's first suggestion of a revival of Egyptian nationalism an interesting one, and asked him if he had any evidence of this being a real possibility in Egypt.

FARHI. Now this school of thought, although submerged by Nasser and the three officers after 1952, still very much exists and finds its expressions, both in writings of Egyptian intellectuals living abroad, or in writings of Egyptian playwrights, poets, and

novelists who still live in Egypt. There's no doubt that the intelligencia in Egypt are very much under the impression that Egypt should steer a different course in its foreign policy. We've got in Israel some feeling of this . . . the attitudes of this state of mind by talking to the great number of visitors we had this summer from the Arab world coming through A . . . Bridge on the Jordan, many of whom were Palestinians studying in Egyptian universities, or Palestinians working in Egypt. And they told us that this topic is widely discussed in private meetings among intellectuals, among executives. One wonders if this is also the feeling in the Army among the officers.

MANSFIELD. Whichever of these options they choose, Egypt will remain a vital factor in the Middle East equation. But Egypt alone can never solve the basic problem of the area, which it is becoming clearer day by day is not so much an Arab-Jewish problem, as we always thought, as an Israeli/Palestinian problem—the struggle of two peoples for the same homeland. But first, who are the Palestinian Arabs? I asked Dr. Mohammed Mehdi, an Iraqui who teaches in London.

MEHDI. The Palestinian Arabs are the inhabitants of Palestine, mostly Moslems and Christians, and they have been in the last twenty-two years squeezed out of Palestine. The first wave was in 1948, when the majority of them, some 650,000, were forcibly expelled from Palestine, and were dumped on the East Side of the River Jordan, or on the West Bank, mostly living in refugee camps. The economy of Jordan at the time, and even now, was very primitive, and we in this country knew the dislocation which some one million foreign immigrants can bring about in . . . in our economy. Compared to the population of Jordan this amounts to something like forty million foreign immigrants coming to this country without much education, without any possessions or property, and this of necessity would lead to tensions between the . . . the Jordanian community, the past Jordanian population, and the new Palestinians. It is frequently imagined that the Arabs form one big family, a happy united family. I think this is false. I think the differences between the various Arab nations are much bigger than the differences between, say, the English, the Welsh and the Scottish people in Britain.

MANSFIELD. Dr. Rahda Karmi, a Palestinian working in this country, feels that her people have been ignored by the world until recently.

KARMI. In order to create Israel, of course, one had to somehow get rid of the population that was occupying the area that is Israel now. In other words, the population that is called the Palestinians. Now, it was not in the interests of either Israel, or any world power supporting the creation of Israel, for these people to remain within living memory, because they're an embarrassment and a constant reminder that one state had to be created on the bones of another, so to speak. And I think this was the most powerful motive in making the Palestinians get forgotten, or get buried, and this worked actually, it worked very well, because for twenty years people forgot the name Palestinian, they didn't really know who these people were.

MANSFIELD. But if the Palestinians were forgotten in the past this is hardly true today. But had their recent exploits merely made them unpopular throughout the world? Mr. Michael Adams, Director of Information for the Council for the Advancement of Arab/British Understanding, went out to Jordan to help with negotiations for the release of the hi-jacked hostages, and he was one of those caught in Amman by the Civil War.

ADAMS. The multiple hi-jackings and all the fearful events that have followed from them, while they have aroused a tremendous wave of criticism in the world, they have also forced a lot of people to ask the fundamental questions about the Palestinian position which ought to have been asked long ago. They have forced people to say "What is it that drives people to this kind of desperation and why is it that these people behave like outlaws. And a lot of people, some of them rather unexpected people, like leader writers in some of our national newspapers, have at last seen that it's the world that has made these people outlaws, and has put them . . . has forced them to behave like outlaws.

MANSFIELD. Militarily the Civil War was won by the King and his Army, but it was far from a complete victory. I asked Armanazi of the Free Palestine Group in London, how he assessed its effect on the Palestinian Movement.

ARMANAZI. Materially, of course, it has lost a considerable amount in man and armaments—this is understandable because of the intensity of the fighting that took place. But I believe that psychologically and politically it's gained a lot, its position has improved within Jordan and within the Arab world as a whole. And given enough time to make up for all the material losses, then I'm sure they will . . . movement emerge much stronger than it ever has been. I think that it takes a crisis of this sort to unite the Palestinian movement. I can only hope that the lessons of the past are absorbed today in that, in fact, they will in future unite together. I feel that surely the division within their ranks in the past has been one cause for the fact that they have not attained a degree of sense that one would want them to attain.

MANSFIELD. Mr. Michael Adams again.

ADAMS. One effect of the fighting was to draw all the different resistance groups together, to impose on them a unity which they all too seldom achieve. We'll have to see whether that unity lasts, because the differences between them are quite radical, quite fundamental, and once the dust has settled I imagine that the differences will reassert themselves.

Whether in the end it will be George Habbash in the popular front with their more striking methods which achieve the supremacy I think we can't tell at the moment. I suppose the . . . the logic of history, so to speak, suggests that it is the more extreme and the more ideologically certain revolutionaries who in the end come out on top rather than the moderates and in this case the moderates and the——

MANSFIELD. Even if the agreement between the Palestinian guerrillas and King Hussein lasts and everyone agrees that it's extremely precarious, there are grave doubts whether Palestinians and Jordanians can continue to live in harmony together, as Dr. Mehdi explains.

MEHDI. The events of the last two weeks, the civil war in Jordan, the killing and injury of several thousand Palestinians I think have shown that the Palestinians are not at all well liked by the bittering elements and other trans-Jordanian indigenous population. Incidentally they are not liked in Lebanon either very much, for example by the Christians and certain right-wing elements and therefore the events of the last few weeks have shown that it is not possible, easily or without violence, to indicate the mass of the Palestinians into the Jordanian society. Ironically it can be said that in the same way that the Jews, before the establishment of the State of Israel desperately and urgently needed a home, so do the Palestinians now. The Palestinians therefore have emerged as a force to be reckoned with. A force which cannot be destroyed by any of the local powers, and therefore if the peace settlement is to be imposed on the Palestinians, its imposition would require a degree of force which has been on the capacity of any of the local powers and which is quite unacceptable to any public opinion or to work public opinion and therefore I think the political cons . . . the main political consequence of the recent strife in Jordan is that the Palestinians have to be brought in, in an associative way, in a meaningful way, in any settlement of the problem.

MANSFIELD. Dr. Farhi an Israel who is a close observer of Palestinian Arab opinion in the occupied territories also thinks that the Palestinian movement has emerged strengthened from the recent civil war.

FARHI. I think when the Palestinians emerge from the last conflict quite strong, the mere fact that King Hussein in spite of his apparently military success had to come to Egypt and sign an agreement with them proved that their political weight in the Arab world is . . . in the Arab States is quite strong.

MANSFIELD. In a sense it would be true to say that the Palestinians and President Nasser were rivals for Arab leadership in recent months. Does it now mean that the Palestinians will become the acknowledged leaders of the Arab nation? I asked Mr. Massoiba, former Arab mayor of Jerusalem and a former Jordanian Ambassador in London who spoke to us from the studio in Jerusalem.

MASSEIDA. I have a very high regard for the Palestinian people being one myself, but I think one must also be realistic about this and then the Palestinian people, however fervent they may feel towards the Arab cause and the injustice which has occurred to them, still have their only limitations in the context of Arab leadership generally, and for that reason there may be a . . . for Arab, you know, political development in the future and I think they will take place, but I think for Arab leadership it will take a little bit more than that.

MANSFIELD. One suggestion that has often been made is that a Palestinian state should be created on the west bank of Jordan with possibly an outlet to the sea through Gaza. Clearly this is inacceptable to the guerilla organizations, but what are the views of a well-known moderate such as Mr. Masseiba?

MASSEIBA. No, quite honestly I don't think that it's very realistic or practical to think in those terms for a number of reasons. For one thing it doesn't satisfy the aspirations of the Palestinian people living outside the liberation movement themselves. For another it's a systematic movement as far as Jordan is concerned, would probably be opposed by . . . by Jordan, by the Arab countries and for the third it's inconsistent with . . . with the Security Council Resolution which everybody pins his hope on, in case a settlement does come about. Any settlement which did not take into account the association and the significance of Jerusalem for Arabs, Christians and Moslem, as well as for the Jews, would not stand a chance of being successful.

MANSFIELD. In view of what Israelis are saying, this does not seem to offer much hope for a compromise in the near future. But I asked Michael Adams if there was any chance of the Palestinians modifying their demands.

ADAMS. From their public pronouncement so far the answer would seem to be no. Myself I believe that they might in certain circumstances. If they got from the Israelis and from those who support Israel, the kind of generous gesture which opened up the way to some sort of genuine settlement, one that wasn't just a banquished affair, then I believe that you would get a great change of heart and change of feeling amongst the Palestinians, but one has to recognise that they have all, all the different movements, have said that they won't settle for anything less than the substitution of a genuine democratic multi-national state for the present Zionist state of Israel.

MANSFIELD. A generous gesture from Israel. I asked General Herzog, former Chief of Israeli Military Intelligence in Tel Aviv if there was any chance of this.

HERZOG. I think we've made all these gestures which are possible, and the main gesture is that we are prepared to sit down and discuss peace with them. After all you've got to remember that the Arabs who have passed the quietest period recently in the whole Middle East of those who are living with us, and they've given expression incidentally to the attitude of Israel during the recent fighting in Jordan, whereby Israel sends supply columns, relief columns offered medical help and so forth to Jordan. They have given very open expression to their appreciation. The general feeling is here that a very radical change has occurred in their thinking towards Israel. We might not feel it today or tomorrow, but something very very deep has occurred in their thinking towards Israel, as they compare what happened in Jordan in an intense Zion/Arab struggle with what's happened after the six-day war with Israel and with our very very inhumane approach to them. So on the day to day level and even having regard to what happened in Jordan last week and the week before I would say that we've made confessions which nobody ever dreamt of, but on the political level it's a question again of just sitting down and talking.

MANSFIELD. You were saying Israel have offered to discuss with the Palestinians. Would you be prepared to negotiate with other facts?

HERZOG. The Prime Minister made it quite clear that we were prepared to negotiate with whoever is in charge in Jordan at the moment. The King constitutes the legal Government in Jordan if, as a result of the events last week, . . . had taken over, I've no doubt that we would have been prepared to negotiate with him.

MANSFIELD. Negotiations between Mrs. Meir and . . . still seem a very distant prospect, but stranger things have happened and they might come sooner than we expect. Meanwhile Israelis, Arab Governments and the big powers are all waiting for the effects of the upheaval caused by President Nasser's death to settle. I asked General Herzog for his assessment of the situation and of the possibility of an 11th hour revival of the United States peace initiative in the Middle East.

HERZOG. Well I would say that the situation in the area at the moment can be summed up in one word very fluid, because each individual element in the area will in fact be looking over its shoulder at the next one, and since there is no leadership particularly in the Arab world such as there was until the emergence of Nasser, I think we will be entering now a transition period in which various elements will be jockeying for a position but they will not be able . . . there will be no single element capable of making a decision which might bind, at least if not all, even Nasser was incapable of getting all the Arabs to agree on anything, but a good part of the Arab world, and so I think we're entering, as I said, a transition period. Certainly they will use the pretext of the 40 days of mourning for that and a tendency not to change the status quo for the time being. Now as far as the American Peace Initiative is concerned, I would say that the key lies primarily with the Russians. They are after all the element which stands to lose most in the present situation which is created . . . being created by the passing of President Nasser and I have no doubt that they are today jockeying for position in Egypt and are trying to influence the developments there as far as the success is concerned. And at the moment they will have probably even more influence today than they had before because they do not have the power of a Nasser to stand up to the main political argument, and therefore, if they are in favour of continuing with the peace initiative, there will be a tendency to continue if the Russians are against it and I'm afraid it will not get very far.

MANSFIELD. Sir William Hayter, a former British Ambassador in Moscow broadly agrees with this view.

HAYTER. I think I did read in this morning's paper that statement of Kosygin's that there was no change in the civil policy which is indeed what one would expect. They don't change their policy easily. They are very conservative and if they have a policy they stick to it unless they're pushed off it, and I would expect them to stick to it. The trouble I think is that the policy they have, as he stated briefly in that statement is . . . is a policy which contains an over-conferrable contradiction, because he said there that the policy consisted of military support for Egypt and the maintenance of peace, but of course these two things are not very easy to reconcile and this has always been the trouble. It's bedevilled them ever since they have started their intervention, the Middle East.

MANSFIELD. But how do the Americans look on the chances of survival of their peace initiative? I asked Mr. George Ball, Under-Secretary during the Kennedy Administration for his assessment.

BALL. I think it's a very fragile hope because of the disappearance of Nasser means it seems to me that there is really no one on the Arab side who has the political authority and the political security to be able to make concessions that will be essential to any kind of a . . . of a settlement. Now this situation may change as someone emerges but I can't see the emergence of a figure quickly enough or who will be sufficiently strong to . . . to meet this particular criterion. I would hope that the cease fire will continue and that a certain amount of conversation will go on because the . . . as the . . . Mr. Nasser has indicated, he wants change rather quickly in that volatile part of the world and then a new set of conditions may arise in which some real progress can be made toward a settlement but I would . . . I would not see those conditions arising in the very near future.

MANSFIELD. But are the big powers not in danger of ignoring the most vital factor of all? I asked Mr. Ball whether the Palestinians would not have to be a party to any final settlement.

BALL. I think that the . . . the . . . is certainly a political force which has greatly expanded over the past months. Just what their . . . their posture is as a result of the very bloody fighting and . . . and Jordan is a little hard to tell. Whether the position has been greatly diminished by that I think it's too early to say, but in any event certainly they are a political force, they have to be dealt with. To bring them into the situation from the outset would seem to me to be quite impracticable, because of the fact that obviously they're going to be the last to make any confessions and I would think that the confessions would have to be made by more or less responsible Governments in the first instance and then the Palestinians dealt with.

MANSFIELD. A somewhat bewildering and sometimes contradictory range of views on an apparently insoluble political situation. To try to sum up and clarify the issues as far as possible we invited into the studio Mr. E. C. Hodgkin, foreign editor of The Times and Professor P. J. . . . Professor of Politics at London University. First I went back to the first question of the options now open to the Egyptian Government. Which way did they think the Egyptians would now face? Mr. Hodgkin.

HODGKIN. I think a lot of Egyptians I would say like to concentrate on their own country at first and if they could forget the Palestinian problem. On the other hand they have lost a large chunk of their country, Sinai, and they've lost this as the result of a war involving Palestine. They've lost the Suez Canal for the same reason. I don't see how even with the best will in the world they can pursue an isolationist policy. Even omitting the fact that I think the army, as one agrees, is still the decision-maker in Egypt and the army is not going to forget wars they've lost.

MANSFIELD. Well obviously in the Arab world as a whole, following Nasser's death, the Palestinians are going to be even more in the limelight. What about this question of their being forgotten, so much in the past. Would you say this was true, Professor.

——— I don't think that they were forgotten as much as some of their leaders, the more extreme leaders suggest. Partly their identity problems were self-generated. In other words they had to make up their minds by 67, they were Palestinians and not simply members of an Arab nation as such or Arabs, and I think that they will be in the limelight. To what extent they would be from a political force because of a physical harm that they have sustained in the events in Jordan is I think a difficult question to answer. There is no doubt that a lot of the force has been designated as a result of the civil war, and that the . . . the extremist versus the moderate group division is going to be shut up.

MANSFIELD. Mr. Hodgkins.

HODGKINS. I think the Palestinians tend to over-estimate their political and militant strength and I think other people now tend to over-estimate it too. After all, the purpose of Palestinians is to return to Palestine, and the longer that Israel have gained an occupation of what was Palestine, the less, as far as I see it, the less chance there is of them getting back in any meaningful way. I think that as the years go by the Palestinian grievance will grow, but patience for other Arab countries and the world public opinion who put up with Palestinian people will diminish. I think the moment everyone is extremely conscious of the definite grievance of the balancing and of the arms, some Palestinian guerrillas, but I don't think this is going to be a trump card in the Palestinian hands for long.

MANSFIELD. Well would you, Professor would you come into that?

HODGKIN. There is another factor one must consider and that is other problems would arrive in that part of the world, in the decade . . . which will involve the peripheries, especially the Gulf and the western periphery, North Africa, and certain Arab states that may be concerned with the Palestinian issue as a matter of priority at least in public, the Palestinian cause may fall further down on the agenda, as they have other problems among themselves or with other states.

MANSFIELD. So would you say that the super-powers, the United States and the Soviet Union, are taking on the whole a realistic view of the possibilities of a settlement?

HODGKIN. Well, I note that Mr. Brezhnev again today has stressed the interest which Russia has in a peaceful settlement, just as he said not so long ago when he was speaking in, he said he thought that a peaceful settlement was in the interests of the Arabs and Israel alike. The Russians continue to say this, and the implication is, of course, that they think it is in the interests of Russia too, and it is probably that they don't want to get drawn into a collision with America in the Middle East, and they must feel, I imagine, that this is even more likely after their . . the one most stable element which is President Nasser, from their point of view, has been withdrawn.

MANSFIELD. What do you think?

HODGKIN. May I suggest that there would also be added impetus for an interest in a

settlement because the local states, the Arab states, at the moment seem, after all these events, perhaps to be moving towards this view and this gives an added incentive, of course, especially among the clients of the super-powers to move towards that direction. For instance I feel that both in the case of Egypt, whoever emerges as the government or the ruler of Egypt, in the case of Iraq, in the case of Syria, as well even in the case of a large body of moderate Palestinian elements, there is that indication for the moment.

MANSFIELD. Do you think that the Palestinians would have been stronger if they'd formed their own government in exile? They've always refused to do this so far.

HODGKIN. Like the Algerians did, you mean?

MANSFIELD. Yes.

HODGKIN. I rather doubt it. I don't know that it essentially strengthened the hands of the Algerians. It was a gesture, it was a way of reminding people, the world, of the Algerian cause. I suppose in a sense that the hijackings and other similar actions have had the same sort of effect, and once you form a government in exile, you are committed to a group of people who very quickly, I think, find themselves out of touch with people in the occupied areas and this may be a disadvantage.

MANSFIELD. I think this was one of the things they feared themselves, one of the reasons why they didn't do it. Nobody has mentioned the possibility of Chinese intervention in the Middle East. Do you think this is so remote?

———. I think for the next decade, it is quite remote, despite the position or the emerging position of the Chinese in South Arabia.

MANSFIELD. Would you agree with that, Mr. Hodgkin?

HODGKIN. In the sense of sort of physical presence, you mean, or having bases? I suppose they might. They have already road building and so on in East Africa and in Arabia. I think this could fairly easily grow into something larger, but I . . . a threat in the way that the Russians are a threat to the Americans, I should say no.

MANSFIELD. And as far as Soviet intentions are going, would you agree with what Sir William Hayter said about them following incompatible aims, of giving military support to Egypt and also saying that they want peace in the Middle East? How would you think about that?

———. That will depend, of course, on the extent of the control or influence they will have with whatever new government or new constellation of power emerges in . . . in Egypt.

HODGKIN. Yes, I think the Russians, as Sir William Hayter said, they want a regime favourable to themselves, that they . . . as the Americans found, and as we found when we were in colonial parts. It's very difficult to say what is a regime favourable to yourself? Is it somebody who has the same point of view? In the case of Egypt, obviously not, because colonists are in prison. You want broadly a strong regime which is prepared to be on your side in diplomatic essentials.

MANSFIELD. Who then is nearer the truth? The Palestinians who believe that their movement is growing and gathering strength, or those who think that they have reached the peak of their achievements? The Palestinians believe that their cause, which may seem as hopeless as that of the Algerians at the start of their revolution, will triumph as theirs did. Others would say that the difference is that unlike the Algerians, the Palestinians are fighting from outside and not within their homeland, and that Israel could never be dislodged. The Israelis may feel overwhelmingly strong today, but will they ever have security unless at least some of the aspirations of the Palestinian Arabs are satisfied? The only certainty is the continued suffering of so many of the inhabitants of what we call the Holy Land. Meanwhile, the big powers look on and strive vainly to settle things in the way that they want, but the Middle East, above all, teaches them a lesson in humility, that they are virtually powerless to use their strength to control the actions of the small nations of this area of the world.

ANNOUNCER. Analysis on the Middle East was presented by Peter Mansfield and produced by David Willey. Next Friday, Ian Macintyre introduces a discussion on the British economy.

AFTER THANKSGIVING RECESS SENATE SHOULD CONSIDER RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today as we begin a short Thanksgiving recess, I urge Senators to spend some time studying the details of the United Nations Genocide Convention. When we return on November 30, this Convention will be one of the key issues before us. Action on it is long overdue; it has been awaiting Senate ratification for more than 20 years.

Earlier this week one of the major roadblocks to ratification was removed when the Foreign Relations Committee reported the Convention to the floor of the Senate by a 10 to 2 vote.

Mr. President, I suggest that December 10 might be an opportune time for Senate consideration. That day has been proclaimed National Human Rights Day.

I can think of no greater homage to National Human Rights Day than to ratify the Convention by that date.

MODEL RULES OF PRACTICE FOR CITIZEN PARTICIPATION IN AGENCY PROCEEDINGS

Mr. KENNEDY. Mr. President, much of the work of the Subcommittee on Administrative Practice and Procedure has been involved with the subject of citizen participation in the administrative processes. Our hearings have explored public inputs in agency decisionmaking in the equal employment area. We have examined regulatory agency responsiveness to the interests of the public, with hearings that took us into the procedures of the Federal Trade Commission, the Federal Aviation Administration, and the Federal Communications Commission. The subcommittee published a compilation of responses by agency heads on Citizen Participation and Agency Responsiveness, and it has held 2 days of hearings so far on my public counsel corporation bill, directed at institutionalizing representation of the public interest in agency rulemaking proceedings.

Durng our hearings and investigations we heard of instance after instance of agencies throwing up obstacles to effective public involvement in the administrative processes. The complexity and expense of participation are only part of the picture. In many agencies, procedures appear designed to exclude public involvement and frustrate citizen initiatives. If government is to regain the respect of the American public, then government agencies must change their ways and accommodate themselves to administrative democracy.

A number of public-interest organizations recently filed with the President and the independent regulatory agencies a petition "To Establish Model Rules of Practice for Citizen Participation in Agency Proceedings Affecting the Public, Citizens and Consumers."

While some agency and department officials might initially react negatively to the suggestion that special rules are needed to assure protection of the public interest in their proceedings, this type of reaction is clearly unfounded.

As the introduction to the petition shows, many agency officials has already recognized and deplored the absence of citizen participation in the governmental decisionmaking processes.

Various bills introduced in Congress in the past few years are premised upon the absence of adequate representation of the consumers' interests in agency proceedings.

Public interest lawyers have testified at hearings held by my subcommittee and others that agency procedures are not well adapted to their full participation in administrative proceedings.

Federal courts have recognized the failure of agencies to take the public interests fully into consideration and have sent cases back to the Federal Power Commission and Federal Communications Commission for further proceedings consistent with those interests.

Agencies themselves have seen shortcomings in their procedures, and the Civil Aeronautics Board, the Federal Communications Commission, and the Federal Trade Commission have empaneled advisory committees to initiate reforms so that would increase agency responsiveness to the public's needs and wishes.

Mr. President, the Federal agencies and departments should give close attention to the petition to establish model rules for citizen participation in agency proceedings. Since I believe that Senators and the public will be interested in this petition, I ask unaminous consent that it be printed in the RECORD.

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

PETITION FOR THE ADOPTION OF MODEL RULES OF CITIZEN PARTICIPATION IN ADMINISTRATIVE AGENCY PROCEEDINGS

PETITIONERS

Consumers' Union, 777 National Press Building, Washington, D.C.

Ad Hoc Committee on Consumer Protection, *representing* Council of Churches of Greater Washington 1230 Vermont Avenue, N.W. Washington, D.C.; Jewish Community Council, 1330 Massachusetts Avenue, N.W. Washington, D.C.; National Consumer Law Center, Boston College Law School, Brighton, Massachusetts; National Consumers' League, 1029 Vermont Avenue, N.W. Washington, D.C.; Washington Urban League, 1039 New Jersey Avenue, N.W. Washington, D.C. 20001

Citizens Commnuications Center, 1816 Jefferson Place, N.W. Washington, D.C.

Black Efforts for Soul in Television, 1015 North Carolina Avenue, S.E. Washington, D.C.

National Council on Hunger, 1000 Wisconsin Avenue, Washington, D.C.

Migrant Legal Action Program, 1820 Massachusetts Avenue, N.W. Washington, D.C.

INTRODUCTION

The petitioners here are individuals, citizens' groups and public interest organizations vitally interested in promoting citizen participation in administrative proceedings. This petition requests the adoption of model rules of practice for citizens' participation in agency proceedings. We submit a draft of proposed model rules.

This petition requests that the President promulgate the rules by Executive Order for those agencies of the Executive Branch that vitally affect consumer or other citizen interests. It requests the indepenednt regulatory agencies to promulgate thees rules by regulation.

The agencies in question engage in administrative proceedings that are of public record and have important effects on public, citizen and consumer interests. Such proceedings generally fall into four categories: rule-making, licensing, rate-making and adjudications. Public, citizen and consumer participation in these agencies proceedings is guaranteed by Section 6 of the Administrative Procedure Act, 5 U.S.C. 555:

"So far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible employees for the presentation, adjustment, or determination of an issue, request or controversy in a proceeding, interlocutory, summary, or otherwise, or in connection with an agency function."

There is a similar, express guarantee for rule-making. 5 U.S.C. 553(c). The right of public participation has now been firmly established by the courts. *Moss* v. *C.A.B.*, U.S. Ct. App. D.C. Cir. No. 23627 (July 9, 1970); *National Welfare Rights Organization* v. *Finch*, U.S. Ct. App. D.C. Cir. No. 23787 (June 9, 1970); *Office of Communications of United Church of Christ* v. *F.C.C.* 123 U.S. App. D.C. 328, 359 F. 2d 994 (1966); *Scenic Hudson Preservation Conference* v. *F.P.C.* 354 F. 2d 608 (2d Cir. 1965).

Such citizen participation might take various forms. Typical examples are:

In rule-making, by filing a petition for the adoption of a rule or for the institution of a rule-making proceeding; or participation in a rule-making proceeding instituted by the agency itself or at the request of other parties;

In licensing, by intervention to oppose the grant or renewal of a license, or to seek conditions upon or modification of the terms of a license sought to be granted or renewed;

In rate-making, by intervention in order to oppose rate increases;

In adjudications, by petition to compel institution of agency enforcement proceedings, by intervention in such proceedings or in proceedings, that the agency has already commenced.

Despite the importance of the activities of agencies to the citizens and consumer, public participation is inhibited and discouraged by agency rules, procedures and money charges that make participation difficult, complex, and very expensive. In effect, the rights now recognized by the courts are made a nullity by the agencies' own unreformed procedures.

Many administrators have recognized this problem.

In response to a July 24, 1969, questionnaire from Senator Kennedy's Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee, Federal Communications Commissioner Nicholas Johnson declared:

"Citizen participation in the Federal Communications Commission's decision-making process is virtually non-existent.[1]"

He added:

"There are about 7,400 broadcast station licenses in the United States which are renewed every three years. In well over 99% of these renewal cases, there is no effective citizen participation." [2]

Former F.C.C. Chairman Rosel H. Hyde added:

"More typically, however, the ordinary citizen does not play a prominent role in the decision-making process." [3]

Former Chairman of the Federal Power Commission Lee C. White stated:

"On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking." [4]

Federal Trade Commissioner Philip Elman commented:

"It is true of far too many institutions today that no opportunities are afforded for meaningful citizen participation in processes that influence their lives and environment. Participatory democracy is not merely a slogan; it is absolutely essential if government and administrative agencies in particular are to be fully responsible and responsive to the needs of those governed." [5]

The Administrative Conference of the United States has asked federal Departments and Agencies about "the increased interest of citizens in the regulatory processes." Chairman of the Conference Jerre S. Williams wrote:

"The public is no longer content to rely passively on elements of the Government to protect their rights. They are now insisting on playing an active part in the governmental processes.

"We are concerned that administrative procedures which were designed before the on-rushing tide of this active citizen interest may be inadequate to handle today's problems."

In the following pages we outline a few of the difficulties presently facing the citizen who wishes to be heard in an agency proceeding.

NOTICE

It is often extraordinarily difficult for a citizen to discover whether an Agency is currently handling a topic of interest to him.

"Most Americans are probably unaware of the multitude of day-to-day Federal activities reflected in proposed, revised, and recently promulgated rules, regulations, or determinations which substantially affect the price, quantity, labeling, safety and other aspects of products and services available to the public." [6]

Agency proposed action is by law supposed to be published in the *Federal Register*. But the *Federal Register* is hardly an adequate means of notifying citizens of Agency proceedings. "The consumer is in a poor position to attempt to comprehend the legal and technical language comprising the typical *Federal Register* notice—if indeed, he knows of the existence of the *Federal Register*." [7] It is expensive to subscribe and a great burden to read.

Agencies often act without even this minimal notification. The Administrative Procedure Act, 5 U.S.C. 553, allows for waiver of notice of proposed rule-making (and of publication in the *Federal Register*) upon a finding that "notice and public procedure thereon are impractical, unnecessary, or contrary to the public interest." Agencies often take undue advantage of this loophole.

Rule 39 of the Interstate Commerce Commission's General Rules of Practice, 49 C.F.R. § 1100.39 provides for "appropriate notice of the filing of an application." Nevertheless the I.C.C. does not publish rate increase proposals in the *Federal Register*. Over 270,000 schedules and tariffs involving hundreds of thousands of rates were filed with the I.C.C. in fiscal 1968–69. The average citizen (who does not subscribe to trade publications, like *Traffic World*, at an annual fee of $140.00) cannot be aware of the multitude of rate increases and their effects on the commodities he purchases in the supermarket or department store.[8] Bureau of Traffic Director Mr. Edward Cox's February 12, 1970 assurance that "each day's filings are now kept separate for nearly a week and can be examined by anyone," [9] does not remedy the situation. An I.C.C. staff member commented that "some of the rate filings are like telephone books." [10] In short, as then Chairman of the I.C.C. Virginia M. Brown responded to the Kennedy questionnaire:

"Although our proceedings are publicized in the transportation trade journals and various news media, this publicity may not always reach the average citizen." [11]

The Federal Trade Commission's rules require only that details of sections 1.1 to 1.4 "Advisory Opinions" be made public *after* they have been rendered (except for advice concerning proposed mergers)[12] thus precluding any citizen participation in the issuance of F.T.C. "advice." Yet such "advice" insulates the party "advised" from future adverse F.T.C. action. 16 C.F.R. §1.3(b).

The Civil Aeronautics Board's Rules, 14 C.F.R. §302.404 require only that applications for exemptions from statutory and C.A.B.-made regulations be "posted promptly on a public bulletin board . . . in Washington, D.C." Applications are presumably included in one of the C.A.B.'s several weekly docket lists, all of which are equally unavailable to the airline passenger. John G. Crooker, Jr. (then) Chairman of the C.A.B., replied to the Kennedy questionnaire that ". . . those persons that are affected by the Board's activities know enough about them."[13] He must have been referring to formal parties to C.A.B. proceedings. Federal Power Commissioner Albert B. Brooke, Jr. responded to the Kennedy questionnaire:

"The various segments of the natural gas and electric power industries affected by FPC action are intimately familiar with the agency's activities. On the other hand, the average citizen, who ultimately pays the bills, simply does not have even cursory knowledge of regulatory authority and procedures.

"I hasten to add that the same information is available to all on a non-discriminatory basis."[14]

Fencing Out the Public—"Leaks" and Inside Information

Regulated industry often has private access to information that ordinary citizens who have no friends in agency staff cannot get. The F.C.C. is illustrative.

On November 10, 1969, *Broadcasting Magazine*, a communications trade publication, mentioned a meeting to be held on December 2, 1969, between F.C.C. employees and industry representatives to discuss "the Commission's policies and requirements regarding broadcasters' responsibilities in ascertaining community needs."[15] Inquiries to Commissioner Bartley on that day by representatives of two citizens' groups, Citizens Communication Center and Black Efforts for Soul in Television (petitioners here) revealed no hint of any "primer" being prepared by the F.C.C. On December 9, 1969, an F.C.C. staff member admitted that a "primer" had been distributed at the December 2 meetings, although it was not released to the public until December 19, 1969.[16]

Another "scoop" by *Broadcasting Magazine* was its article on the "Burch Miracle," printed December 29, 1969, on page 5, announcing the imminent issuance by the F.C.C. of a policy statement on "Comparative Hearings Involving Regular Renewal Applicants." Yet, when Citizens Communications Center's director telephoned the Commission on January 7, 1970, and asked if the matter was on the Commission's agenda or if such a proposal existed, he was told that "agenda matters are confidential as are all internal proposals." [17]

More recently, a request for a copy of a legal

Footnotes at end of article.

memorandum on the "fairness doctrine" of *Red Lion Broadcasting Company* v. *F.C.C.*, 395 U.S. 367 (1969) prepared by the F.C.C. General Counsel was denied on the ground the document was "inter-office correspondence" and not for public examination.[18] But curiously *Broadcasting Magazine* on September 15, 1969, carried a full-page article about the memorandum, quoting liberally from its contents.

FENCING OUT THE PUBLIC—AGENCY EXCLUSION OF CITIZEN REPRESENTATIVES

There are countless instances of Administrative decision-making for which no citizen input is contemplated, wanted or allowed. The Securities and Exchange Commission's "pre-filing assistance and interpretive advice," 17 C.F.R. § 202.2, and the Federal Trade Commission's "Advisory Opinions," 16 C.F.R. §§ 1.1–1.4 for example have a potentially significant impact upon the public, but allow for no direct citizen participation. This denies to representatives of citizen groups . . . the opportunity to rebut the contentions of the industry and to *effectively* present the views of community groups on how they, the members of the community, feel their needs can be ascertained. They were not given an opportunity to see what the Commission had in mind for them until after the legal representatives of the broadcasters had an opportunity to present, unchallenged, their assertions as to how the community's needs should be assessed.[19]

Even Congressmen find access forbidden. When Congressman John E. Moss learned of a proposed meeting between airline executives and members of the C.A.B. from a *Wall Street Journal* article,[20] he asked to attend that and later meetings. He was refused. After a series of "private" meetings with the industry, the C.A.B. approved certain airline fare increases, on September 12, 1969. Congressman Moss and thirty-two other Congressmen appealed to the United States Court of Appeals for the District of Columbia to invalidate that order.[21] Congressman Moss alleged that the C.A.B. had informally worked out proposed rate increases at the "private" meetings held in the summer from which the public was excluded.

The Court declared:

"If Congressmen are excluded from these *ex parte* meetings . . . ordinary rate-paying members of the public . . . would have little chance indeed to be admitted." [22]

As Mr. Moss' attorney interpreted the Court's decision:

"What it's really saying to the agencies is you've got to stop this backroom bargaining with industry over rates." [23]

Federal agencies have not been hospitable towards potential intervenors. While former F.C.C. Chairman Hyde took note of recent judicial decisions enlarging the "right of citizens' groups to participate as parties to Commission proceedings," [24]

Commissioner Johnson reminds us that:

"The essential point, however, is that the FCC's initial instinctive reaction was to *oppose*, not 'encourage,' greater citizen participation in its proceedings, and it took a forceful United States Court of Appeals to preserve this valuable right." [25]

F.T.C. Commissioner Mary Gardiner Jones suggests that that Agency is characterized by a similar reluctance:

"While the Commission is seeking to broaden its own exposure to consumer problems . . . it has not yet been willing to take the next step and recognize the right of citizens to intervene directly in its proceedings." [26]

Commissioner Jones made reference to the case of *Campbell Soup Company, et al., F.T.C. Docket No. C–1741* (May 25, 1970) where the F.T.C. denied the petition for intervention filed by a group of law students who were objecting to a proposed consent order.[27]

INTERVENTION AS A PARTY

Most agencies' intervention rules leave too much discretion to the Agency. F.P.C. Rule § 1.8 "Intervention," provides

* * * * *

(b) Who may petition. A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States.

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be found by the Commission's action in the proceeding (the following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

This regulation leaves entirely to Agency discretion (except for statutory intervenors) whether a proposed intervenor's interest is being "adequately represented by existing parties," or whether "petitioner's participation may be in the public interest."

Full party status as an intervenor is crucial. Generally, only *parties* or their attorneys may attend pre-hearing conferences (e.g., the I.C.C. rule, 49 C.F.R. § 1100.68(a)) important in determining the procedures followed and the issues contested in hearings *Parties* have the right to submit proposed findings and conclusions to hearing examiners (e.g., the F.C.C. rule, 47 C.F.R. § 1.263 (a)), may employ discovery devices (e.g., the F.T.C. rule, Part 3, Subpart D, 16 C.F.R. §§ 3.31–.37), are accorded special privileges at hearings (e.g., the F.T.C. rule, 15 C.F.R. § 3.41(b)), and are allowed certain rights with respect to waiving procedural steps (e.g., the C.A.B. rule, 14 C.F.R. § 302.33). Being a party to a proceeding may make the difference whether one is notified of proposed actions (e.g., the F.P.C. rule, 18 C.F.R. § 1.19) or served with documents filed in a proceeding or any Agency decisions concerning it (e.g., the S.E.C. rule, 17 C.F.R. §§ 201.9, .23): *Parties* alone are usually given the right to appeal initial decisions of hearing examiners to the Board of Commission (e.g., the C.A.B. rule, 14 C.F.R. § 302.28).

EXPENSE

A staff member at the Consumer Federation of America estimated that intervention in Federal agency proceedings costs between $1,000 and $5,000 Another $10,000 ought to be kept in reserve to be spent should litigation develop. The Ad Hoc Committee on Consumer Protection recently has been involved in I.C.C. hearings on railroad rates for shipping fruits and vegetables [28] and has a suit pending in the U.S. District Court for the District of Columbia.[29] Its expenses to date total $2,600 (not including an estimated $18,000 in legal fees).

Most agencies require multiple copies of all documents to be filed with them, as well as service upon all parties to any proceeding (e.g., the C.A.B. rule, 14 C.F.R. §302.3(c) which requires 19 copies). Add the costs of reproduction and mailing, the legal fees, the purchase of transcripts of agency proceedings. Transcripts cost from 45¢ per page at the C.A.B. to 85¢ per page at the I.C.C.

As the Ad Hoc Committee on Consumer Protection (a petitioner here) pleaded to the I.C.C.:

"Respondent railroads, in I. & S. No. 8486, and other protestants who are able to purchase a transcript can confer with their clients at their home offices, in privacy, and with other resource material available. . . . [T]he Commission's primary concern should be the right of the public to be adequately represented before Commission proceedings—which should include having full access to transcripts." [30]

But H. Neil Garson, Secretary of the I.C.C. responded:

"Of overriding importance is the matter of our contract with a private company . . . which acts as the official reporter of the Commission and which makes its money from the sale of copies of the transcript to interested persons." [31]

PROCEDURAL COMPLEXITY

Some agency's procedural rules are hopelessly complex and provide no clue to the layman of his rights. The C.A.B., for example, has over 512 pages of regulations many of which include aspects of intervention by interested persons (e.g., 14 C.F.R. §§ 302.14, .15, .210, .214, .703, .915(c), .1208). The Board's principle formal intervention rule contains a bewildering list of qualifications for intervention. 14 C.F.R. §302.15(b).

The intricacies of submitting documents and knowing how to participate—build a high barrier. Federal Power Commissioner John A. Carver, Jr. explained to the Kennedy subcommittee:

"Increasingly, matters coming before the [Federal Power] Commission involve complex issues of industrial technology, law, economics, and finance. This acts as a very real limitation on effective participation by the individual citizen or private citizen groups unless they have substantial resources to employ the required expertise." [32]

In July, 1968, KSL, Inc. of Salt Lake City, Utah, filed renewal applications with the F.C.C. for certain radio and TV stations. Two citizens, Ethel C. Hale and W. Paul Wharton, wrote to the Commission opposing the applications, saying:

"We do not know the extent of the investigative powers of the Federal Communications Commission, and therefore are unable to guess how much evidence must be obtained prior to hearing proceedings and how much information can be solicited at hearings. Nevertheless, as private concerned citizens, unschooled in law, we urge attention to the following indications of abuse of public trust in radio broadcasting . . ." [33]

After the F.C.C. renewed the KSL, Inc. licenses in October, 1968, Mrs. Pale and Mr. Wharton sent a letter to the Commission, requesting reconsideration of that decision. George S. Smith, Chief of Broadcast Bureau of the F.C.C. at the time, responded in a letter *mailed* on October 28, 1968, that the Hale-Wharton petition was insufficient to qualify as a petition for reconsideration and that a new petition had to be received by the F.C.C. no later than by November 7, 1968. Smith offered the following further guidance to Mrs. Hale, a waitress, and Mr. Wharton, a taxicab driver:

"You refer to your letter as a "Petition for Reconsideration of Decision." However, there are certain definite requirements for filing a petition for reconsideration of any Commission action, which are set forth in Section 405(a) of the Communications Act of 1934 and Section 1.106 of the Commission's Rules and Regulations and particularly subsection (f) thereof. Copies of both are enclosed for your information."

Mrs. Hale and Mr. Wharton wired the F.C.C. on November 6, 1968, that they were mailing a petition for reconsideration that day. Soon after, they wrote to the Commission in response to a letter from KSL, Inc.:

". . . we are unsure, now as before, about proper procedure, and do not know whether response from us is appropriate. . . . We re-

Footnotes at end of article.

iterate that we are without counsel, and not trained in law. . . . Nevertheless, with stubborn and relentless effort we have obtained odds and ends of printed materials relevant to the laws, rules, and regulations we appeal to have enforced. . . We might have spared the Commission much inconvenience had we had access to some of these materials earlier, or if there had been available a procedure outline for use of ordinary citizens." [34]

The F.C.C. denied the petition for reconsideration [35] "relying in part, on petitioners' failure to comply with the F.C.C.'s rule requiring typewritten, double-spaced pleadings." [36] A second petition for reconsideration was also rejected, the Commission refusing even to consider it on the ground it was filed after the statutory deadline. Moreover, as an added point, the F.C.C. commented:

". . . there is very little of a factual nature contained in your allegations; much of the material you have submitted is merely argumentative." [37]

THE MODEL RULES

The Model Rules petitioners propose are designed to solve these problems.

Citizens need a simple-to-understand manual for participation in agency proceedings—one adapted to the situation of persons or groups without a direct and substantial financial interest in what is being decided.

Citizen intervenors should stand on an equal footing with their counterparts from the industry. The financial burden must be reduced in recognition of the interested citizen's lack of potential pecuniary gain and his severely restricted pocketbook. Citizens should be relieved of the possibility of a response that his submission will not be considered because of a procedural law. Persons who require advice and information will be made aware by the Model Rules that the Agency is ready to assist them.

As noted, court decisions have greatly expanded the rights of citizens to intervene in Agency proceedings, and a few Agencies themselves are beginning to allow partial intervention, but amounting to a change in "form only, rather than in substance . . ." [38] The fear of a flood of intervenors has not materialized.

In any event, the Administrative Procedure Act, 5 U.S.C. § 555(b) (1967) is available to ensure "the orderly conduct of public business."

The F.C.C. recently allowed four petitioners to proceed without submitting the required multiple copies [39] for the first time within the memory of one Commission employee whose services at the F.C.C. spans two decades. The Federal Trade Commission has just granted two requests concerning transcripts one for a free transcript [40] and another for a copy at the reduced F.T.C. per page rate, instead of the significantly higher reporting service rate.[41] The Wall Street Journal, July 15, 1970, carried on page 10 the announcement that the Securities and Exchange Commission is proposing "to make public the requests it receives for interpretive advice and 'no-action' letters, together with the replies of its staff to such inquiries." Increased citizen participation in the administrative process is necessary to our form of Constitutional government. It would moreover, help and not hinder the Agencies. Citizen knowledge and experience could complement Agency fact-finding. Citizens could serve as "sounding boards" for proposed administrative action—providing a more accessible gauge of the "public interest" each Agency is obliged to serve.

Citizen involvement would provide a solution to the increasing popular uneasiness felt over the unrepresentative nature of the administrative process.[42] Above all, each and every American has a stake in his government, in its successes, and in its failures. With so much at issue, shall not the citizen be heard?

CONCLUSION

Petitioners therefore request the adoption of the attached Model Rules of Practice for Citizen Participation.

WILLIAM A. DOBROVIR,
BENNY L. KASS,
Attorneys for Petitioners.

MODEL RULES OF PRACTICE FOR CITIZEN PARTICIPATION

1. Definitions:

(a) "Person" means any individual, group of individuals, nonprofit organization whether incorporated or not incorporated, or representative of a group of individuals or an organization or organizations.

(b) "Agency" means any Agency as defined in 5 U.S.C. 551.

(c) "Agency proceeding" means any proceeding conducted by an agency on the record and includes any adjudication, rulemaking, licensing, rate making or rate approval, and any other proceeding that may result in an order, sanction, or relief as defined in 5 U.S.C. 551.

2. Any interested person shall have the right to intervene in Agency proceedings under these rules if such person's pecuniary or economic interest is exclusively that of a consumer or is otherwise representative of the general public or of a particular geographical area, and if participation by such person under the ordinary rules of practice would be unduly burdensome.

3. Any person who intervenes under these rules shall have all the rights of a party, including the right to appeal any initial decision within the Agency, under the regulations and statutes applicable to appeals by any party.

4. Any person who intervenes under these rules shall:

(a) Be served personally or by mail by all parties with a copy of any written submission or document filed in the proceeding by such party.

(b) Be informed by the Agency in writing, in a concise and easily understandable way, of any schedules, rules, procedures or other specification established for the proceeding in which the person has intervened, and of any deadlines for taking any action, making any request or filing any document established either by rule of general application, order, ad hoc determination or in any other fashion.

5. Any person who has intervened under these rules:

(a) May file a single copy only of any written submission or document to be submitted on that person's behalf, whether as pleading, evidence, brief or otherwise. Copies of the document shall be furnished as a matter of course without fee by the Agency to any other person intervening under these rules.

(b) Be provided, without cost, with a permanent copy, or the loan for a reasonable time for the purpose of copying, of the written transcript of any hearing, portion of hearing, testimony, deposition or any other oral proceeding, which may be prepared at the order of the agency or any other party.

(c) Have the right (in accord with the applicable rules of the Agency) without payment of witness fees or travel expenses, to subpoena any party or the officer, directors, employees or owner of more than 10% of the stock or other capital, of a party in the proceedings who has not intervened under these rules, and to subpoena any documents from such party.

6. In the case of any submission in writing, whether pleading, brief, or documentary evidence, by a person who has intervened under these rules:

(a) No such submission shall be refused for filing because of a defect in form or in substance or any omission, material or otherwise.

(b) If any defect or omission cannot be remedied or supplied by the Agency or its staff, the person who has made the submission shall be notified in writing, personally or by mail, in a concise, non-technical and understandable way, of the defect or omission, shall be given a reasonable time to remedy the defect or supply the omission, and at his request shall be advised how the defect or omission might most easily be supplied or remedied.

7. The Agency and its staff shall assist any person who has intervened under these rules, upon request, in connection with any matter within the expertise of the Agency and its staff, such as by way of example, economic, financial, accounting, statistical, engineering and scientific matters, in respect of which the person requests assistance in preparing a submission or understanding or responding to a submission by others.

8. The Agency and its staff shall respond to any inquiry by any citizen respecting his rights, obligations or the substance of any matter within the jurisdiction of the Agency in a clear, concise, non-technical and easily understandable way to the end that the citizen shall be intelligibly informed and encouraged to participate in Agency proceedings.

9. The agency shall maintain a register of persons who have communicated to the Agency an interest in any subject matter or geographical area (where pertinent) within the Agency's jurisdiction, and shall in writing inform any person so registered of the institution or pendency of any proceeding that may be related to that subject matter or geographical area. This rule shall be deemed satisfied by publication in a Consumer Bulletin or other weekly, semimonthly or monthly periodical generally available to the public.

10. Any person who has intervened under these rules is entitled to be represented by counsel, but if the person is unable to retain counsel, the person may appear without counsel; in such case the Agency's legal staff shall render any reasonable legal assistance such group or representative may request in preparing a submission, understanding or responding to a submission by others, or otherwise participating in an agency proceeding; and if, in the judgment of the Agency's General Counsel or other chief legal officer the need for legal assistance appears to be sufficiently great, he shall assign an attorney or attorneys on his staff to assist and, if necessary, appear on behalf of such person throughout the pendency of the proceedings.

11. Nothing in these rules is intended to affect the rights of any persons not intervening under these rules.

FORM A

The undersigned, on his own behalf [and/or on behalf of_____ (group)], hereby certifies:

1. He [the group] is interested in [name the subject matter] [or desires to file a complaint with respect to _____]. [State briefly the nature of the interest.]

2. He [the group] has no pecuniary interest in the outcome of [name proceeding] and will obtain no pecuniary benefit therefrom, except as an ultimate consumer or purchaser of goods and services, which pecuniary interest is *de minimis*.

3. Participation in the Agency proceeding under the ordinary rules of the Agency would be unduly burdensome upon the [undersigned/group] because of cost. [State supporting facts briefly.]

Signature
Address

[Penalty for false statement.]

FOOTNOTES

[1] Subcommittee on Administrative Practice and Procedure of Senate Committee on the Judiciary, 91st Congress, 1st Session, *Responses to Questionnaire on Citizen In-*

volvement and Responsive Decision-Making (Comm. Print Sept. 9, 1969) at 60. (hereafter *Responses*.)

[2] *Id.* at 62.

[3] *Id.* at 19.

[4] *Id.* at 85.

[5] *Id.* at 136.

[6] 1969 Annual Report, Administrative Conference of the United States, *Recommendation No. 4*, at 30 (January, 1970).

[7] Letter of Oct. 22, 1968, from Betty Furness, Special Ass't to the President for Consumer Affairs, to Jerre S. Williams, Chairman of the Admin. Conf. of the U.S., at 1.

[8] Statement of Benny L. Kass, Ad Hoc Comm. on Consumer Protection, on S. 2355, Before the Subcomm. on Surface Transportation of the Senate Comm. on Commerce, Wednesday, March 18, 1970, at 3.

[9] Article in *Washington Post*, February 12, 1970.

[10] *Id.*

[11] *Responses*, at 293–294.

[12] 16 C.F.R. §§ 1.1–4 (1970).

[13] *Responses*, at 8.

[14] *Id.* at 108.

[15] Press Release, Citizens Communications Center, Dec. 2, 1969, at 1.

[16] Memorandum to Commissioners of the Federal Communications Commission re: Abuse of Commission's Informal Procedures, by Albert H. Kramer, Citizens Communications Center, and William D. Wright, Black Efforts for Soul in Television, Dec. 10, 1969, at 2–3.

[17] Memorandum in Support of Petition for Reconsideration of Commission's Order, FCC–70–62 (released Jan. 15, 1970) Adopting a "Policy Statement on Comparative Hearings Involving Regular Renewal Applicants," February 16, 1970, at 16.

[18] Request made by Mr. Ronald L. Winkler, Center for Study of Responsive Law, on July 9, 1970, at the FCC Office of Information.

[19] Memorandum, Dec. 10, 1969, at 4.

[20] *Cong. Rec.* (daily ed.) September 29, 1969, at H8562; and see *Id.*, December 11, 1969, at H12208.

[21] *Moss* v. *C.A.B.*, Civil No. 23,627 U.S. Ct. App. D.C. Cir. decided July 9, 1970.

[22] *Id.* at 5 n. 12.

[23] *Washington Post*, July 10, 1970 at A2.

[24] *Responses*, at 20.

[25] *Id.* at 61.

[26] Paper by Commissioner Mary Gardiner Jones, Federal Trade Commission, delivered before the Sixth Biennial World Conference of the International Organization of Consumer Unions, Baden/Vienna, Austria, Monday, June 29, 1970 at 19.

[27] *Id.* n. 39.

[28] I. & S. Docket No. 8486, Vegetables and Melons, Transcontinental Eastbound.

[29] *Ad Hoc Committee on Consumer Protection* v. *ICC*, Civil No. 766.

[30] Letter from Mr. Benny L. Kass, Ad Hoc Committee on Consumer Protection, to Mr. H. Neil Garson, Secretary, ICC, Dec. 30, 1969.

[31] Letter from Mr. H. Neil Garson to Mr. Benny Kass, January 12, 1970.

[32] *Responses*, at 110.

[33] Letter to Mr. Ben Waple, Secretary, FCC, July 29, 1968 (in FCC file: BR–4081).

[34] Letter to Mr. Ben Waple, Dec. 7, 1968.

[35] *In re License of KSL*, 16 F.C.C. 2d 340 (1969).

[36] *Responses*, at 61.

[37] Letter from FCC Commissioners to Ethel C. Hale and W. Paul Wharton, June 18, 1969.

[38] *The Palisades Citizens Association, Inc.* v. *C.A.B.*, No. 21,422 U.S. Ct. App. D.C. Cir., decided September 12, 1969, at 8.

[39] Petition for Rule Making, In the Matter of Adoption of Standards Designed to Eliminate Deceptive Advertising from Television, FCC Docket No. RM–1553, filed Jan. 13, 1970.

[40] *Campbell Soup Co. et al*, FTC Docket No. C–1741 (May 25, 1970).

[41] Letter from Mr. Joseph W. Shea, Secretary, FTC, to Mr. Benny Kass, February 25, 1970.

[42] Bonfield, *Public Participation in Federal Rulemaking Relating to Public Property, Loans, Grants, Benefits or Contracts*, 118 U. Pa. L. Rev. 540 at 540–541 (1970).

LEND LEASE FOR ISRAEL

Mr. PELL. Mr. President, Averell Harriman yesterday, in the New York Times, advanced a very interesting and thoughtful proposal for helping Israel.

His suggestion was that we should extend lend lease to that embattled country along the same lines we did to Great Britain before our entry into World War II.

Bearing in mind the long experiences and positions of immense responsibility that Mr. Harriman has occupied, all with singular ability, I thought this excellent idea of Averell Harriman's would be of interest to Senators. I ask unanimous consent it be printed in the RECORD.

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

WHY NOT LEND-LEASE FOR ISRAEL?

(By W. Averell Harriman)

President Nixon's request to the Congress for $500 million for arms to Israel makes urgent the immediate reconsideration of how we should aid Israel in her struggle for survival.

After Israel's success in the Six-Day War, the immediate military threat posed by its enemies disappeared and it was hoped that a peaceful settlement guaranteeing her security would shortly follow.

Unfortunately, no settlement was reached and hostilities continued. Meanwhile the Soviet Union poured arms into Egypt and Syria. The United States tried both through representations to the Soviets and by holding back on military supplies for Israel to check a Middle Eastern arms race. However, the Russians built up Egypt's and Syria's armaments far beyond what they had been before the Six-Day War.

The flow of Soviet weapons, provided in substantial part virtually as gifts, has required an economically costly and increasingly burdensome Israeli response. Israel is currently spending at least 25 per cent, and perhaps 30 percent, of its gross national product on national security.

The American percentage for military expenditures, including Vietnam, for fiscal 1971 is about 7.7 per cent. Prior to the Six-Day War, Israel spent less than $200 million annually on military imports. The cost of military imports has quadrupled. Israel's balance of payments now shows an annual deficit of $1.2 billion on a current accounts basis.

The Israelis have the determination and ability to defend their democracy without support from outside forces—provided Israel's military equipment is adequate—not inferior in quality although obviously inferior in quantity. It is clearly essential to insure that Israel has sufficient weapons to defend herself. But it is also vital that Israel not be compelled to spend herself into bankruptcy or to undermine the fabric of her society. The recently passed Jackson amendment to the military procurement authorization bill recognizes Israel's need for financial relief by authorizing the sale of military equipment on a credit basis.

But credits must be repaid, and a skyrocketing external debt would further strain Israel. I well remember the unfortunate situation that occurred as a result of the inability of various nations to repay the large loans we made to them during World War I.

One possible alternative would be for the United States to make military equipment available to Israel on a grant (free) basis. Almost every nation threatened by Communist or Communist-supplied arms has at some time received American military grant assistance. Even such Arab countries as Jordan and Iraq have been given American arms. Israel is virtually unique in having had to contract to pay for all arms she received from the United States. Arab arms have been supplied without cost by not only Russia and China but also by Great Britain and France. However, at this late date to begin to give free arms to Israel would be seen by the Arabs as a provocative act and might impede our effort to bring about peace.

In December 1940 President Roosevelt made a brilliant proposal "to get away from the dollar sign" while providing arms to nations whose survival we wanted to support. He devised Lend-Lease—the loaning of military equipment on the basis that when it was no longer needed the unexpended part would be returned to the United States.

It seems to me that a similar program should now be adopted in supplying to Israel certain needed sophisticated military equipment. The great advantage of Lend-Lease is that under Lend-Lease the Arab nations could be assured that after peace had been achieved, major items of sophisticated military equipment would not be kept by Israel but would be returned to the United States.

We must recognize that many Arabs have a real, although unrealistic, fear, based in part on misinformation on what brought on the June 1967 war, that Israel is an imperialistic state bent on expanding her position. The knowledge that in the event of peace Israel would relinquish much of its sophisticated armament could serve as an incentive for the Arab states to negotiate. Equipment supplied under Lend-Lease should be carefully limited, as Israel, like her neighbors, must be encouraged to accept the fact that security lies not in strength of military forces but in a genuine peace settlement.

DEATH OF LOUIS A. ECKL, EXECUTIVE EDITOR OF FLORENCE, ALA., TIMES-TRI-CITIES DAILY

Mr. ALLEN. Mr. President, Alabamians were shocked and grieved over the sudden death on November 9 of Louis A. Eckl, the distinguished executive editor of the Florence, Ala., Times-Tri-Cities Daily.

Louie, as he was fondly known, was one of Alabama's most illustrious journalists. His entire 42 years as a reporter and editor were spent with the Times-Tri-Cities Daily. There was so tempered in the heart and soul of Louis Eckl the God-given qualities of tolerance, courage, patience, and love that he drew to himself the ungrudging respect of all who came within the radius of his genial influence. His daily column was widely read, and it touched on all aspects of the great economic and social issues of the day.

Louis Eckl worked long and hard to open the door of economic opportunity to the people of the Muscle Shoals area, Alabama, and the South. His particular charge was that great engine of democracy, the Tennessee Valley Authority. He helped to nurture TVA at its roots in 1933 and two decades later, he was in the forefront of the fight to preserve TVA during the days of Dixon-Yates. Louie fought for the development of the Tennessee-Tombigbee Waterway, and I am so grateful that he was with us long enough to see his labors bear fruit with

the approval of the first construction funds for this mighty project by the Congress earlier this year.

Louis Eckl was, indeed, a worker in the vineyard; it can in truth be said of him, "Well done, thou good and faithful servant."

Mr. President, I ask unanimous consent to have printed in the RECORD, Louis Eckl's last column, which appeared in the Times-Tri-Cities Daily of November 9, and an editorial and column from the Times-Tri-Cities Daily of November 10, regarding his life and career.

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

"WHAT FOOLS WE MORTALS BE . . .?"

(By Louis A. Eckl)

"Thou know'st 't is common; all that lives must die, passing through nature to eternity."

We are always reminded of these lines from Shakespeare when the observation of All Saints Day comes each year in the liturgical year (Nov. 1, 1970).

They have a sombering effect on us, in both a physical and spiritual way, for we are reminded that those who refuse to think about death are the most unrealistic of all. That is one inevitability from which no man escapes as Ponce de Leon, the Spanish discoverer of Florida, found out in his search for the Fountain of Youth. History has it that he was born in 1460, although there seems to be a little question about his birth date, and that he died in 1521, which would indicate he died in his 61st year, the year in which we are now in, although 62 is fast approaching.

GOD GETS TIRED OF US?

Perhaps it was Shelley who might have given a clue as to why there is a God-appointed hour for each man to die, when he said "Let me hear their everlasting grunts and whines no more."

Dryden may have pointed to the end of a good man when he proclaimed "and fires eternal in thy temple shine," whereas for most of us, we fear, it was Shakespeare, who wrote "an infinite and endless liar" and Pope who told "eternal smiles his emptiness portray" more adequately describes our plight.

Although wise men have told us that it is not the length but the quality of our lives that counts, yet it seems that we will do almost anything to keep from thinking of that inevitable day, just as it seems we will go on sinning against God, Nature, ourselves and fellowman, even though it seems that experience teaches all of us that we pay for our sins, even in this life, in a form of mental and physical anguish that might be a form of earthy purgatory, and that our weaknesses and failures and the wrongs we do cast us into sort of an earthly limbo of self-imposed unhappiness.

THE WORST SIN: INGRATITUDE?

Yet, nearing 62, we must admit that we were cheered up considerably the other day when we read that the way to live to be 100 (or more?) is to be contented and cheerful. To which we would add—and grateful!

It is interesting to note that envy has been added to the list of fatal diseases by Soviet gerontologist Shykhyur M. Gasanov who, after a 10-year study of farmers in Azerbaijan, a Caucasus mountain region noted for its centenarians, has concluded that they live to be more than 100 years old because, "They are not envious of their neighbors."

And conversely, a study made last year by the Duke University Medical Center in North Carolina indicated that pessimists and persons who dislike their work are not likely to reach the century mark. Which raises a question: Since it is said that an optimist is a pessimist in the making, do we bring on our own death?

Dr. Erdman B. Palmore, of the Duke Medical Center, says:

CHEER UP AND SERVE

"We know the mind affects the body in various ways. It would seem that the best way to increase longevity is to maintain a useful and satisfying role in society and keep a cheerful disposition."

Whatever the cause or causes, centenarians are found in nearly all countries, and there are as many theories of longevity as there are oldsters, as we have found out in interviewing some of them during our more that 42 years of newspapering.

The reason we say that perhaps gratitude to God has something to do with it is the fact that man has been most favored by the Creator in that, whatever the explanation, man outlives all other warm-blooded animals and birds.

Some people may attempt to dispute this in that elephants once were thought to be the longest lived, but the fact turns out to be that the myth was fostered by circus ballyhoo that billed any large specimen as "More Than 100 Years Old," when actually an elephant's average life span is 45 years, although occasionally a rare one may reach age 60.

HANG ON TO THAT SS CHECK

Many people, on the other hand, live much longer, although inadequate data and faulty memories often have made it impossible to pinpoint the greatest age reached by a human being.

For example:

A South African who thought he was 160 turned out to be only a "mere" 110 when officials unearthed some old birth records.

Yet, the United States Social Security Administration is now sending out monthly checks to a man 128 whose age was authenticated when he applied for a Social Security card at the age of 106 so he could get a job picking fruit. It didn't say what kind, so we don't know whether it was "an apple a day that kept the undertaker away," or whether it was some of that "Florida sunshine orange juice."

WE ARE DISCOURAGED . . .

We are somewhat discouraged to learn that Professor Gasanov's conclusion that lack of tensions contributing to long life isn't new, for our newspaper career has been filled with tensions, yet we are encouraged, on the other hand by the fact that surveys also have shown that retiring may not be as healthful as continuing to work, and we'll certainly never be able to quit working unless the government does something about stopping inflation.

Perhaps we can follow the example of the Soviet Union's oldest citizen, officially 165, and return to the farm and resume working once we're required to retire from newspapering, for the 165-year-old Azerbaijan was shown tending his garden, riding his horse, and strolling a mountain path in a recent documentary on his life; furthermore, the same film also featured a 30-member folk song group, all of whom were more than 100 years old, and with the troupe's only woman, a dancer, being reputed to be 130.

. . . AND ENCOURAGED!

We are also encouraged by:

A 105-year-old Briton runs a boarding house by the sea.

A woman 109 operates her own dairy.

Other centenarians are tax assessors, physicians, farmers, and newspaper columnists. (That newspaper columnist bit is really exciting!)

In San Francisco, a waiter who works up to 13 hours a day celebrated his 103rd birthday recently by jogging more than six miles; the previous year he ran the 100-yard dash in the fairly respectable time of 17.2 seconds.

And last, but not least, a Syrian farmer who claims to be 136 is seeking a bride because he has been married 13 times and considers an unlucky number, although being a Moslem, he already has two wives.

Hope really does spring eternal in the human breast!

A TRIBUTE TO LOUIS A. ECKL

On the back of an award hanging on the wall at the Florence Times Tri-Cities Daily office there's the following typewritten comment:

"The Florence Times Tri-Cities Daily entries covered a variety of subjects, ranging from the private education financial crisis to Governor Brewer's concern over the race issue, Justice Douglas' attack on the Army Corps of Engineers and a review of what makes the Shoals an unusual area. It was evident that this newspaper strove to present the issues fairly and to draw sound conclusions."

The comment was from John Seigenthaler, editor of the Nashville Tennessean.

The award was for the best editorials during 1969 in Alabama daily newspapers.

The recipient was Louis A. Eckl.

From June of 1928 until Monday night, Nov. 9, 1970, Louis Eckl lived and loved his career as a reporter and editor.

He was a newspaperman in the truest sense, and although he had his own opinions about subjects ranging the spectrum from religion to politics, he never failed to allow the issues to be presented fairly and he always attempted to draw sound conclusions.

Of journalism, Louis Eckl always said: "You'll never get rich," but his own life refuted that statement and he was one of the best examples of those folks who are rich in friends, in honesty, in love for their fellow human beings and in love of life itself. He always strove to be fair and honest and an excellent example of his fairness has always been in respecting the religious beliefs of all people. A Catholic, he always leaned over backward to be fair in print with other faiths and religions.

He had but one job in his 42-year newspaper career and that was here in the Muscle Shoals Area which he loved. He had three other loves in his life . . . his family, of course . . . his job . . . and TVA. If Louis Eckl's vocation was the newspaper, his avocation was TVA. He grew up with TVA and died as the long-time president of Citizens For TVA. At one time in recent years he was under serious consideration as a member of TVA's Board of Directors. He covered TVA in its infancy and became an active participant in furthering the authority in later years.

Over the years Louis Eckl's typewriter beat out a steady plea for human rights. He minced no words about kluxers, militants or governors. He's been both cursed and hated but he had a philosophy about this. "You can call me anything you want to. I'm sure I've been called worse before," he once told an irate telephone caller.

Of his many accomplishments, Louis Eckl's work in the field of human rights was his most cherished. In his early newspaper career he met a Negro professor from Tuskeegee at a Federal Court hearing in Montgomery. The man was not allowed to vote. "We got to talking about the Negro's struggle to vote and I told the man, 'You've got to be patient.'"

"He just looked at me and then he said, 'How long?'," Eckl recalled.

Of his many editorials on human rights, Eckl was most proud of one entitled "The Injustice of Man's Justice," published on May 2, 1963. "Governor Wallace has a chance to insulate both the whites and Negroes of Alabama against pain, poverty and disaster if he will stand for justice instead of their imprisonment and if he will fight for their right to the ballot and other rights under law of which they have been robbed far too

long in too many places in the state," Eckl wrote.

Not only was Louis Eckl a distinguished man in his community and Nation, he was respected and loved by his fellow workers or his "fellow slaves," as he often said. He never ducked an argument about religion, politics or Notre Dame football and friendly debates over these matters were not uncommon in the newsroom and composing room.

He was the type of man you just didn't expect to die, but even though his earthly life has ended, many of the things which Louis Eckl said and accomplished will live in human hearts for eternity.

TIMES-DAILY EDITOR LOUIS A. ECKL DIES

Funeral services for Louis A. Eckl, executive editor of Florence Times Tri-Cities Daily, will be held Wednesday at 11 a.m. at St. Joseph Catholic Church with the Rev. Paul Koehler, OSB, officiating.

Burial will be in St. Michael's Cemetery in St. Florian.

Rosary will be recited tonight at 7 p.m. at Morrison-Elkins Chapel.

Survivors include his wife, Mrs. Patricia Dowd Eckl, Florence; two sons, Christopher E. Eckl and William Wray Eckl, both of Atlanta; one daughter, Mrs. Charles Strothman, Tuscaloosa; his mother, Mrs. Edward J. Eckl, St. Florian; three brothers, Joseph and Edwin Eckl, both of St. Florian, and Harry Eckl, Cloverdale; seven grandchildren.

Active pallbearers will be Thomas W. McGough, Luther Baker, Frank Stone, James E. Anderson, Joseph L. Stumpe, R. C. Barnes, Frank Dirago and James Eckl.

"Thou know'st 'tis common: all that lives must die, passing through nature to eternity."

Louis A. Eckl began his last published column with that quotation. Those who didn't know him may have thought they were reading about a premonition when they read that column in his beloved Florence Times Tri-Cities Daily after learning of Eckl's death Monday night.

Those who worked closely with him and knew him well, know it was nothing like that. For one thing, that column was written several days ago. But more important, they knew that he was too much an optimist for anything like that. There were many other unpublished columns, like the one scheduled for Nov. 22 trying to generate interest in a memorial to FDR in the Muscle Shoals area.

Eckl died Monday about 7:30 p.m., the victim of a reaction to penicillin. He had been having considerable trouble with an infected tooth recently and left the office about 3 p.m. Monday to see a dentist.

Two teeth were extracted and the dentist gave him a penicillin tablet. He had taken the drug before with no ill effects. He became ill at home shortly thereafter and a doctor was called to his home about 6:30. The physician said Eckl was definitely suffering a mild penicillin reaction. The standard treatment for penicillin reaction was administered, even though the physician didn't think it was necessary at the time.

What happened later has not been determined, but he became much worse and was dead on arrival at ECM Hospital about 7:30 p.m.

Thus ended the career of a St. Florian farm boy who threw down his hoe in the cotton patch in June of 1928 and headed for Florence to look for work.

The qualifications he presented to J. L. Meeks, Sr., then publisher of the Florence Times-News, were "two years of college and a pretty good speller." His parents thought he had made a poor bargain when he was hired a few days later at no salary.

"Mr. Meeks told me I could come to work for experience," Eckl later remembered.

By 1932, Eckl had advanced to $35 per week. Two weeks after his marriage to his Irish sweetheart, the former Patricia Dowd, of Tanner, his salary was cut to $25.

It wasn't long before he acquired the title of "Editor."

"That was a joke," he later said. "I was it." Together with a lady proofreader, who doubled as women's editor and secretary to the publisher, Eckl got out the news side of the paper every day.

Over the years, honors and recognition from the community, state and nation came to the man who was pioneering for civil rights long before the Civil Rights Act of 1954 and the man who became the "Voice of TVA."

One of the highlights of his career was "Eckl Night" held Feb. 11, 1965 when some 300 Shoals and Tennessee Valley citizens joined with high government officials to honor the Executive Editor of the Florence Times Tri-Cities Daily.

Spokesmen representing every phase of community life praised Eckl for his efforts in behalf of TVA, human rights, and general progress in the field of journalism. Representatives from business, industry, labor, religion and education were on hand to pay tribute.

As President of Citizens for TVA, Inc., Eckl was leading the fight to gain additional support for TVA.

Other observations in Eckl's last column Monday were:

"Although wise men have told us that it is not the length, but the quality of our lives that counts, yet it seems that we will do almost anything to keep from thinking of that inevitable day. . ."

"Yet nearing 62, we must admit that we were cheered up considerably the other day when we read that the way to live to be 100 (or more?) is to be contented and cheerful. To which we would add—grateful."

". . . It would seem that the best way to increase longevity is to maintain a useful and satisfying role in society and keep a cheerful disposition."

"Other centenarians are tax assessors, physicians, farmers, and newspaper columnists. (That newspaper columnist bit is really exciting!)"

"Hope really does spring eternal in the human breast."

THE COSTS OF HIGHER EDUCATION

Mr. BROOKE. Mr. President, in these days when our system of higher education is under increasing attack, both from without and from within, it is well to be reminded of the unique contributions and the unique problems faced by our private institutions.

Recently, the acting president of Boston University, Dr. Calvin B. T. Lee, delivered an address on this subject which is remarkable for its candor and valuable for the recommendations which it so vividly outlines. His remarks are not complimentary where the Commonwealth of Massachusetts is concerned; ours is a State which is fifth in affluence in the Nation—and 49th in terms of expenditures for higher education. This inconsistent ratio has been made possible over the years by the presence in our Commonwealth of nearly 100 private institutions of higher learning, which through the expenditure of private funds have been able to educate well over two-thirds of all the college students in the State. Public resources have thus been relieved of a tremendous potential burden.

But private institutions of higher learning are facing increasing deficits: tuition can no longer make up the difference between investments, endowments, and alumni giving. If Massachusetts—and by implication, other States, in the Union as well—are not to be faced in the near future with the problem of absorbing thousands of students thrust upon public institutions through the financial failure of private colleges, constructive and cooperative steps must be taken immediately. Dr. Lee's address is a cogent plea for such cooperation. I commend it to the Senate and to the Commonwealth for serious consideration, and ask unanimous consent that it be printed in the RECORD.

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

THE COMMONWEALTH AND PRIVATE HIGHER EDUCATION

(By Calvin B. T. Lee)

Never before in the history of American higher education has the university, as a corporate body, been so under attack. Universities have faced major crises before, but in most cases they were primarily attacks upon individual faculty members. At the turn of the Twentieth Century, professors were fired for espousing a silver policy; in the late Twenties a number of professors lost their jobs over the issue of evolution, and during the McCarthy period in the Fifties, red-baiting and red-purging disrupted the academic community.

But now the university as a whole has become a political football. It has become a target of political candidates in both parties, as they seek a scapegoat for unrest in the country, for the financial problems of the state or the city, or for what is called the breakdown of morality in America. On the other side, student revolutionaries have tried to tear down the university as a symbol of the so-called Establishment.

It is a very difficult role which universities are called upon to play today. Most of the protests which have been taking place in the last year or so are responses to the war in Viet Nam rather than campus issues. These protests, whether they be on the subject of ROTC or military research, use the university as a surrogate of society. The protests are thus, in fact, directed at the outside world, although the university can't help being implicated since it in part reflects the needs, wishes, and desires of the society which it serves.

The traditional approach to student protests has been to treat them as disciplinary matters, and the Dean of Students has served as policeman. However, the matter of campus unrest is no longer simply a matter for the Dean of Students or indeed the President. The issues today—for better or for worse—are framed in moral and philosophical rather than pragmatic terms. In order to respond to such concerns, to prevent unnecessary disruption of the educational process, to prevent violence requires the wisdom and complete involvement of all of the constituencies of the university: students, faculty, administration, and alumni.

Not only is this involvement of all constituencies desirable, it is essential. Universities must learn how to govern themselves or else there will be nothing left to govern. But this year I sense on the Boston University campus a "pulling together" by students, faculty and administrators to try to govern themselves. Within the next few weeks a set of rules and regulations governing non-academic conduct for students, faculty, and administrators, and a judicial process to try any infractions will be ready for adoption. We should be able soon to avoid the state of anarchy of the past where rules were not clearly laid out and sanctions not clearly enforced.

I would prefer tonight not to say any more about campus unrest. It is a topic which you have already heard a great deal about. I won't even "plug" my book *The Campus Scene: 1900–1970* although it is a timely subject as well as an entertaining one. Rather, I would like to take this occasion, in an election year, to share with you some of the recent studies and findings relating to the future of private higher education in this nation and especially in the Commonwealth of Massachusetts.

I am moved to talk about this topic because of the following:

1. The sad fact is that the Commonwealth of Massachusetts is fifth in affluence among the states, and it is 49th in terms of expenditures per capita for higher education (New Hampshire is 50th). I, therefore, challenge the candidates of both parties to consider whether or not this isn't a disgraceful fact.

2. This is an election year and we have heard little, if anything, from the candidates about their positions regarding the future of higher education in this state—and in particular private higher education—so important a part of this Commonwealth. I challenge the candidates of both parties to speak to this issue.

3. Even if the political candidates are not philosophically disposed to supporting education, the future welfare of this Commonwealth is involved in this matter. In this state, education is a multimillion-dollar industry. In 1968–69, the private sector alone spent $773 million in operating expenditures and an additional $90 million in plant expenditures. It has incidentally produced substantial income for merchants, restaurants, and retail stores. I challenge the candidates of both parties to consider the many values of higher education to this Commonwealth.

Throughout its history this nation has been called on to cope with the problem of constant growth, to raise standards of living, and create a body politic learned enough to sustain a vital democratic government. To meet such overwhelming tasks, Henry Steele Commager in retrospect has stated:

"That nation could not be too exacting or too scrupulous in the means it used. It took what was at hand, used what it had, wastefully and even recklessly, in education as in other natural resources."

In the preservation of our nation's natural resources, we learned several decades ago that forests must not be recklessly cleared and hills mined without provision for the future. We are only now beginning to face the problems of the pollution of our water and air. We have known for several decades that the mass movement of people to our cities would cause enormous social, health, and economic problems, but we have still done little about it.

So too in education. For years we knew that the baby boom would reach the schools and colleges, but we permitted ourselves to drift along and be overtaken by each new demand upon our educational enterprise. And now in order to cope with the increased size and burden of higher education, we, by and large, continue to mine our educational resources with old tools—chalk and talk—and perhaps reckless abandon—hand-to-mouth planning for students, facilities, faculty and the states.

It has become clear that the traditional resources of higher education are inadequate to meet the demands for higher education and the manpower needs of society as well as the knowledge explosion.

Massachusetts is unique in its development of the dual system of education because of its very long tradition of almost total reliance upon private education. As late as 1962–63 when most states had developed large and strong state colleges and universities, the total enrollment in public institutions in Massachusetts accounted for only 17% of the students. After a very rapid expansion of six years the figures showed in 1968–69, 32% of the students in the public sector and 68% in the private sector. This is, by and large, a healthy balance and the further development of public higher education should be encouraged. But one should be aware that the private share of higher education in the nation has been declining so rapidly that it is now only 28% of the nationwide enrollments—causing some concern about the proper balance between public and private if a dual system is to be preserved.

At this rate of growth of the public sector of American higher education, what will the role of the private college be in the future? Or, to put the question more pointedly: if there is a role for private higher education, what critical decisions will have to be made for its survival?

With 97 independent colleges and universities, Massachusetts, if it doesn't have *the* largest number, it certainly has among the largest number of private colleges in any one state. Just as important, if not more important, is the fact that there is a great diversity of institutions. Americans are fond of saying that we are a pluralistic society and that we encourage diversity particularly in education. Most of the time we are talking merely about a dual system of public and private institutions.

Massachusetts has the unique opportunity, if its 97 independent colleges are preserved, to continue to provide a truly pluralistic and diversified system of higher education. Among the independent colleges of the Commonwealth are junior colleges ranging from schools for more affluent girls (we used to call them finishing schools) to secretarial and business schools. There are in this Commonwealth, specialized schools such as the New England Conservatory of Music as well as private colleges for pharmacy and optometry. The four-year liberal arts colleges include schools with affiliation with every major religious sect as well as many of the best known non-sectarian colleges in the country. And, of course, we have in this state a larger than usual number of *large* private universities.

A youngster can choose from a range of institutions so that he can be where his talents are properly channeled and challenged. He can decide whether he wants to go to a large school or a small one, an urban one or a rural one, a sectarian or a non-sectarian, a liberal arts college or a school for specialized training. The choice is his and he is not faced with the homogenization which seems to be so prevalent in certain parts of the country.

We in this Commonwealth are now at the crossroads of making that decision of whether we want to preserve this pluralistic system of higher education. One of the major tasks for alumni of this and other universities is to encourage and to support legislation giving aid to private as well as public higher education. You should be aware of the facts and the issues. In April 1969 the Governor of Massachusetts appointed a Select Committee for the study of Financial Problems of Private Institutions of Higher Education in Massachusetts. Boston University's President, Arland Christ-Janer, was an active member of this Select Committee. A report was released in January 1970. Insofar as very little public notice has been made about this report, it may be useful for me to review its major findings and recommendations and to encourage you to challenge the candidates for political office to respond to these issues. The Report of the Select Committee came up with the following findings:

First, financial projections based on historical trends, institutional expectation, and environmental factors show that private higher education in Massachusetts will face a collective deficit of the order of $50 million by 1975–76 and perhaps two to three times that amount by 1980–81.

Second, the Select Committee observed that financial support from the federal government does not appear to offer an immediate solution to the private sector's financial problems for two reasons: (a) federal funds have been largely provided for services (notably, research) that generate only incidental financial support for other educational activities, and (b) new forms of substantial financial support from the federal government appear unlikely in the near future.

Third, confronted by the prospect of inadequate increases in existing external sources of funds, many private colleges and universities in the Commonwealth will be forced to take internal measures to cope with their worsening financial positions: limitation of student aid expenditures, continuance of a high rate of tuition growth, and reduction of educational resources resulting in increased educational deficits and erosion of quality available for each student may well be the ultimate result of financial problems in private higher education—all of this when Massachusetts is likely to face increasing shortages of 85,000 educational spaces by 1980. A depressing prospect, isn't it?

By enrolling Massachusetts residents (a total of 56% of all Massachusetts residents receiving higher education), private institutions have relieved the Commonwealth of a major share of its responsibility for providing educational opportunities for its citizens. If the state were supporting its residents who are enrolled in private institutions in 1969—70 at the level budgeted for public institutions, the operating cost of higher education in the state would approximately double, adding in excess of $90 million in taxes on the citizens of this state.

Allan Cartter, Chancellor of N.Y.U., has observed that for the preceding fifty years, the ratio of total major costs between private and public colleges had remained at about 1.5 to 1; that is, it costs about 50% more to attend an independent college than to go to a state college or university. Over the last ten years, however, the price ratio has risen to more than 2 to 1. Fortunately, for Boston University and its students, the present tuition of $1750 is very low in comparison to comparable private institutions. But looking at the widening gap between the tuition of independent colleges and of public colleges, the picture becomes alarming.

Some people have suggested that the only future for large private institutions is to be absorbed by the state system. Over the last decade the universities of Buffalo, Pittsburgh, Temple, and Kansas City among others have been absorbed into their respective state systems. Quite aside from the philosophical questions of whether it is wise to abandon the dual system in America, there are pragmatic considerations. First, can the Commonwealth afford to absorb all or most of the 97 independent colleges? Second, is the effect of absorption going to result in a social gain for the Commonwealth?

Chancellor Cartter brings our attention to the effect of the absorption of the University of Buffalo, by SUNY. Buffalo in 1962 was an old and reputable independent university with a relatively small endowment of $17 million (not much smaller than ours) when it was absorbed. At this point it had difficulties balancing its budget by several million dollars. Today the State of New York through tax support spends $45 million annually for approximately the same number of students, not including the capital expenditure for facilities. Undoubtedly there has been some improvement in the quality of the program with such a massive infusion of funds. But one wonders about how much improvement there has been, when an investment of a few million dollars a year could have been spent annually instead of $45 million to keep this institution viable.

It has also been argued that the absorption of private institutions would enable

under-privileged children to attend such institutions which they could otherwise not do if they were tuition based. A new book published this week entitled *Benefits, Costs, and Finance of Public Higher Education* by Hansen and Weisbrod contained the almost contradictory message that in California, public support of higher education tends to benefit students from relatively high-income families. Indeed many under-privileged students find that they cannot afford to go to a tuition-free university when the additional costs of books, transportation, and food are thrown in. Such a student finds a better opportunity at private institutions with total scholarship aid which provides not only tuition but also free room and board as well as the opportunity to have funds for books and some recreation. It is ironic that institutions such as Boston University with so little endowment for scholarships is put into a position of helping the under-privileged student out of tuition dollars from more affluent students. In point of fact, Boston University alone is paying out nearly as much scholarship monies as is the Commonwealth of Massachusetts.

Another observation should be made. It would be wasteful and foolish for the state to try to duplicate the very fine resources which are already available in private institutions. It would be more economical and sensible to develop what we have. A student who wants to study painting, drama, or music, for instance, does not have any real opportunities to develop his talents in any public institution in this region. He should be given the opportunity to attend our School of Fine and Applied Arts or the New England Conservatory.

May I make some recommendations for your consideration as citizens of this state:

First, the Commonwealth must make every effort to include in its long-range planning for the future of higher education the possible contributions which might be made by the private and independent institution, both large and small. To lose the money and time in developing new public institutions when existing private institutions can provide the same services given appropriate state support would be foolish. The Commonwealth should quickly turn to supporting the critical areas of manpower shortage so important to the welfare of our society. Indeed, the programs in medicine, dentistry, social work, nursing and the allied health professions are already at the point where tuition dollars do not and cannot pay for the expenditures needed to train such professionals.

Second, you as members of this academic community either as students, faculty, administrators, alumni, or policy makers in this area should be aware of the several alternatives which this state can take in the support of private higher education. The silence on this subject gives the general impression that no plans are available. On the contrary, I should simply like to name the several kinds of state aid plans available for consideration.

The Select Committee in Massachusetts has recommended that the Commonwealth give private colleges and universities direct institutional grants apportioned on the basis of degrees awarded equaling a small fraction of the cost of education of students in the public institutions. A payment schedule based on fifteen percent of the estimated public cost of providing degrees would provide about $25 million in 1975–76—significantly less than the $50 million deficit projected for that year. It is a good start, but not a final solution.

There are other forms of state aid which would help the private sector. Maryland and New York provide facilities assistance which is especially important in light of federal cutbacks in this area.

Another type of support is in the development of contractual relations. When New York was faced with the alternative of beginning another school of medicine which might take five years to become operational, and ten years to produce graduates, the state offered to subsidize the expansion of existing medical schools by offering $6,000 per additional student annually plus some capital funds for facilities. The state not only ended up spending less money, but it was able to cut the time of the production of graduates by more than half of the time. Other states have also used this device. New Jersey has a contract with the Newark College of Engineering. New York contracted with Cornell to provide higher education in agriculture, industrial and labor relations, home economics and veterinary medicine.

State scholarship programs exist in some twenty-two states. Under such programs the award is given to the student rather than the institutions (thus avoiding the constitutional question of church-related schools) and the student may attend the college of his choice whether it be public or private.

These are but a few of the proposals and actual working programs in support of private higher education.

Let me summarize my talk by reiterating just these two points:

First, the Commonwealth of Massachusetts has for 300 years relied upon the services of private higher education and if something isn't done to help support these institutions within the next few years, many will go bankrupt. The state system cannot alone take their place.

Second, the Commonwealth would be derelict in its duty to its citizens and extravagant in the use of public monies by omitting the private colleges and universities from their master planning.

Third, there are many ways in which both public and private higher education can be aided by the state: direct grants, facilities assistance, contractual arrangements, and state scholarship programs, among others.

I must make it quite clear, I am not proposing to put Boston University up for adoption by the state. I believe too strongly in the dual system of higher education. Until the time that such aid to private education becomes available we must rely heavily upon alumni giving to keep us both solvent and academically viable. We do not want to be put in a position where we must run to the state for emergency aid but rather we wish to discuss this matter from a position of relative strength. Indeed the continuing support of alumni is one indication of our belief in our institution. Thus we need the financial support of our alumni as never before.

If you agree with me that Boston University is not up for adoption by the state and if you continue to support our work, I also hope you will work to bring about discussion by the candidates on the future of private higher education. Like the deterioration of our environment, the deterioration of our educational system can only be considered a catastrophe. It affects every family in this state. Can we afford to ignore it? I think not.

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DR. CLAUDE McLEOD OF SAM HOUSTON STATE UNIVERSITY CALLS FOR A BIG THICKET NATIONAL PARK OF AT LEAST 100,000 ACRES NOW

Mr. YARBOROUGH. Mr. President, Dr. Claude McLeod of Sam Houston State University at Huntsville, Tex., author of the monograph "The Big Thicket, Its History, Location, and Description," has written to the Senator from Nevada (Mr. BIBLE), chairman of the Parks Subcommittee of the Senate, a perceptive and compelling letter calling for a Big Thicket National Park of 100,000 acres.

Yesterday, Senator BIBLE held an additional hearing on S. 4, my Big Thicket National Park bill. Dr. McLeod's letter is most timely in light of this hearing.

Professor McLeod has spent years conducting detailed research on the Thicket and has contributed some of the best scientific literature to date on this wilderness area. During this time, Professor McLeod has withheld judgment upon the desirability of a 100,000-acre park, pending completion of his thorough research on the Thicket. Today, I am pleased to announce that Professor McLeod, after carefully weighing the alternatives, has endorsed a 100,000-acre Big Thicket National Park. In his letter to Senator BIBLE, Professor McLeod presents perhaps one of the best and certainly most concise scientific statements in support of a 100,000-acre park to date. I ask unanimous consent that it be printed in the RECORD.

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

SAM HOUSTON STATE UNIVERSITY,
Huntsville, Tex.

Senator ALAN BIBLE,
Chairman, Subcommittee on National Parks, Senate Office Building, Washington, D.C.

DEAR SIR: By way of introduction, I am Claude McLeod, Associate Professor of Biology, Sam Houston State University, Huntsville, Texas. My training, teaching, and research activities have been, to a large degree, in the field of plant ecology. For the past twenty years my research efforts have been centered in eastern Texas; an exception being field work (University of California) in the Sierras of northern California, including a study of floral variation of the Truckee River from Tahoe to Pyramid Lake.

One recent publication dealing with area vegetation is entitled: *The Big Thicket, Its History, Location, and Description*. This was published by the University Press in 1967. Results of this study were available for use by the National Parks study team in which the nine "String of Pearls" park sites were recommended. I was also a member of this survey group. Senator Yarborough has, from time to time, requested copies of this publication.

A more recent study entitled *Ecology of the Big Thicket Forest of East Texas*, is in

press and will be published June 22, 1970 by the Texas Journal of Science. These studies were made to determine the vegetational "make up" or community structure of the Thicket forest type and to botanically and ecologically delineate this forest type from contiguous vegetational types. The results of these studies have been of some value to foresters, conservationists, ecologists, and naturalists who are seriously interested in defining and bounding the Big Thicket forest.

Senator Bible, I did not attend the Thicket hearing in Beaumont on June 12, as I felt the program agenda was accommodated. And frankly my judgment has only recently jelled regarding the desirability of the proposed 100,000 acre ecological area over the 1967 park proposal of the nine unit 35,000 acre plan.

This final judgment is, in essence, the reason for this communication. I favor, after prolonged deliberation, acquisition of the larger area for, among others, the following reasons:

I. Continuous observation of this forest area for over twenty-five years, convinces me that present management practices, indiscriminate utilization, and sometimes wanton destruction of the hardwood components of this *mixed* forest type is irreparably altering the natural ecology of the Big Thicket forest type.

(A) Indiscriminate girdling, harvesting and burning (controlled) is designed to produce more pine timber to the total disregard of perpetuating the associated hardwood species, which with their associated understory species make or name the Big Thicket forest type.

These hardwood control practices alter, permanently in many cases, the original forest composition. Such species as beech, magnolia, and certain rare hickories will not reestablish themselves once the dominant forest community structure is radically changed or altered. This is of considerable significance in the ecology of this particular forest type. This forest management practice seems to be that followed by both government (national and state forests) and private owners.

(B) This hardwood control practice will continue, indeed, it is necessary, for land values, taxes, and other economic considerations are strong incentives to produce more pines per acre investment to the exclusion of the far less valuable hardwoods.

II. The removal of hardwood stands from stream bottomlands to create water basin area impoundment has removed permanently almost one-half million acres of our hardwood resource in the east Texas Thicket area. It is highly desirable that some of the few remaining bottomland hardwood stands be preserved.

III. Inasmuch as more than 50 percent of the 100,000 acres included in the proposed park plan is stream bottom floodplain forest, mostly hardwoods, the upland pine producing lands are less affected, thus the timber economy is less affected.

IV. Ecologically, the 100,000 acres proposed is far more tenable than the 35,000 acre proposal. Certainly a greater vegetational stability is assured as well as a greater diversity of plant and animal life. This area, if brought to park fruition, could serve as an invaluable outdoor laboratory for at least four large universities located in the general area of the Thicket forest. Natural areas are desperately needed for research training of naturalists and environmental scientists, both so needed in preserving our natural environment.

Senator Bible, I offer the foregoing comments to help clarify certain points relating to the ecology of the Thicket Forest area. If these remarks are of any help to you in any way, I am pleased. I feel that speedy acquisition of this unusual mesophytic forest type should be of first priority to the Department of Interior and by all means should be preserved as a part of our national heritage.

Sincerely,

CLAUDE MCLEOD,
Associate Professor.

THE DEBATE WITHIN ISRAEL

Mr. HATFIELD. Mr. President, numerous factors are contributing to the present impasse in reaching the negotiating table between the various parties to the conflict in the Middle East. There are differing points of view within the various Arab countries as to how best proceed. And there is similar querying among the Palestinians. We in the United States are familiar with the debate among the Arabs and Palestinians, but we not too often hear of the debate within Israel.

Lawrence Mosher, in an aritcle written from Jerusalem and published in the National Observer of October 23, 1970, describes many of the differing points of view within Israel and the problems presented that young country by the recent peace initiative and its aftermath. The article also presents an interesting reflection of the United States where seemingly little substantive debate is occurring as to the best policy to follow to contribute to a meaningful and lasting peace in the Middle East.

I ask unanimous consent that the article be printed in the RECORD.

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

WHAT IS ISRAEL?

(By Lawrence Mosher)

Israel's overriding dilemma continues to be itself. What is it? Where are its legitimate borders? Viewed from here, any hopes for a permanent peace settlement with the Arabs depend on the resolution of these questions.

Amid last week's flurry of diplomatic jousting between Israel and the United States, some observers both here and abroad thought they detected a movement by Israel to rejoin—eventually—the aborted peace talks in New York City.

Perhaps. But what complicates the decision here to edge again towards a negotiated settlement under United Nations auspices is the country's apparent inability to decide what it is.

Is Israel to be just a Jewish state, or an Israeli state for both Jews and Arabs? And where should Israel's boundaries really be? Along the Jordan River? Somewhere in the middle of the Sinai Peninsula? Or back near the pre-June 1967 frontiers?

A DISTANT DREAM

Peace will be more than a distant dream to the border *kibbutznik* here and the Palestinian refugee trapped in a Gaza Strip camp when this government can make up its mind about itself. Until then the mechanics of peace-making may continue to befuddle and confuse nearly everyone. And last week was no exception.

Indeed, the contradictions and ambiguities originating from official sources here suggest that the Israeli government is far from united on what to do next. But just as evident is the relaxed attitude of most of the government over the entire peace issue. Feb. 4, the end of the second 90-day cease-fire period, is still comfortably distant.

Mrs. Golda Meir, Israel's prime minister and now the unquestioned leader of the ruling Labor Party coalition, delayed her state-of-the-nation speech a week in hopes that opinions would jell. But no luck. So last week she larded her address with what her spokesman later described as deliberate ambiguities, cleared it with her cabinet in advance, and then delivered it to a somewhat indifferent parliament. Her message:

The time was still not ripe to end Israel's "political struggle" against the "dangerous violations" to the original standstill cease-fire perpetrated by Egypt and the Russians.

The proper "conditions" were not yet created to change the government's decision suspending the peace talks under United Nations special envoy Dr. Gunnar V. Jarring.

Israel would continue to agitate for the right "conditions" with the only country that is liable to provide them—the United States.

Vague as all this was, Israel's 120-member Knesset approved Mrs. Meir's policy speech by a vote of only 51 to 28. Even then, the adoptive resolution merely "took note" of the government's position on "the political and security situation."

What are the "conditions" sought by Israel? The prime minister's spokesman said the government had not yet decided on them. But in Washington last week Israeli foreign minister Abba Eban was more forthright.

At an opening 45-minute diplomatic skirmish with Secretary of State William P. Rogers, the persuasive Mr. Eban reportedly asked for the jackpot: assurance of continuing supplies of arms and money at least through fiscal 1972, and a promise by the Nixon Administration to refrain from further map drawing in the Middle East.

Such efforts at map drawing were the main elements of the American peace initiative that Mr. Rogers unveiled almost a year ago, and which the Israelis now would like very much to ditch. The Rogers plan, as it came to be called, suggested that Israel should return all of Sinai to Egypt, and seek only "minor border adjustments" in withdrawing from Jordan's west bank.

There also were two other propositions that were equally unpopular here. One called for compensation or reintegration on an annual quota basis of Palestinian refugees wishing to return to Israel. The other proposed that Jordan share in the civil administration of what is now unified Jerusalem.

The purpose of the Rogers plan was not to impose a peace solution on the Israelis, but to overcome deep Egyptian anxieties in order to get peace talks rolling. Mr. Rogers' efforts were based on the November 1967 Security Council resolution which Egypt, Jordan, and Israel have publicly accepted.

THE CYNICAL MOOD

The only snag is that the Israeli political scene here has changed during the three years that have passed since the U.N. resolution was approved. Today any Israeli will tell you that in the months immediately after the war the country was willing to give up every inch of conquered territory in exchange for genuine peace with the Arabs. Now, understandably, the mood is more cynical.

In general terms the government here is now unwilling to give up most of the occupied lands. Why? Because little confidence is now placed in any peace treaty that may emerge from negotiations particularly the kind of indirect talks now envisaged under Dr. Jarring. If additional justification was needed for this stand, the government now has the Egyptian violations of last August's standstill cease-fire agreement to cite. And it surely does.

Thus the Israeli government, despite what it says officially, has moved away from the November 1967 formula for peace. It wants more land. But it can't agree on how much.

Israeli sensitivity on this point these days is sharp. And for obvious reasons. Diplomatically, the government still must hue to the formula. Politically, it dare not.

This explains the recent sharp reaction here to the relatively innocuous speech made by Britain's foreign secretary Sir Alec Douglas-Home late last month in London. Sir Alec merely reiterated the "minor changes" approach to the new boundaries foreseen under the resolution. But Israeli officials here sharply criticized Sir Alec for his "inaccurate interpretation" of the U.N. formula.

For the record, the Security Council resolution passed unanimously on Nov. 22. It calls for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict" and the "acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

Just how far Israel wants to move from the Anglo-American interpretation of the U.N. formula is now the issue here. The Gahal bloc, with 26 seats in the Knesset, continues to push for retention of all the occupied territories.

During the parliamentary debate on Mrs. Meir's speech last week Gahal party leader Menahem Begin argued that Israel would only be adding 80,000 Arabs by keeping everything. He insisted that Israel would continue to remain a Jewish state because Jews would still form 66 per cent of the total new population. But, he refrained from predicting for how long.

UNCERTAIN FUTURE

The Arab birth rate—which results in an Arab population increase of 3.4 per cent a year—is considerably higher than the rate for Ashkenazi (Western) Jews. Indeed, the rate for Sephardic (Eastern) Jews also is higher. Thus the Western Jews who run Israel today face an uncertain demographic future here regardless of how much occupied territory (and Arabs) remain under Israeli control.

On the opposite side of the issue are such parliamentary mavericks as Uri Avnery, whose New Force party has only two seats in the Knesset. During last week's debate Mr. Avnery, sporting a tie showing the international peace symbol, ridiculed Mr. Begin's insistence that "co-existence" with an enlarged Arab population inside Israel "was not just a pipedream."

Quipped Mr. Avnery: "Coexistence just like in Rhodesia, I suppose."

Mrs. Meir, who was suffering from a slight cold, squelched her critics with one of her typical oral put-downs. "I don't think anyone has a patent for obtaining both an integral land of Israel and peace," she said. "I want to ask the opposition, have they a program for peace? I know how to get war."

Curiously, it is Israeli defense minister Moshe Dayan who has been irritating Mrs. Meir most these days on the question of war and peace. During the past few weeks, Mr. Dayan has been dropping little hints of new Israeli flexibility.

"Let us face the truth," he said. "We have to plunge into some very cold water now because we are not interested in continuing the war. I very much want to end the war, and this can only be done through talks."

The next day Mr. Dayan cooly allowed that he had been "misinterpreted" by the news media. In the meantime newsmen were given to know that Mrs. Meir was burning over the untimely revelation of what may be the governments' unavoidable next step.

All this is either a very foxy move designed to show how very reasonable the Israeli government is about to become, or could become with suitable inducements from Uncle Sam. Or it is an indication of a government struggling with a very painful dilemma.

PRISONERS OF WAR

Mr. HRUSKA. Mr. President, the United States did not achieve its eminence in the world by sitting on its hands and doing nothing. Americans are by our nature activists. As activists we have often been distressed in our recent history when we have been forced to suffer passively indignities inflicted upon our citizens and fightingmen by Communist countries.

Because we feel more at peace with ourselves by reacting forcefully and positively to such crises, I am very pleased to take note of the daring attempt last weekend to rescue American prisoners of war in North Vietnam.

Our only regret at that action should be that it did not succeed in freeing any prisoners. Lacking that important element of achievement, however, the venture still must be termed a striking success. Word of it is bound to penetrate the curtain of secrecy around the North Vietnamese prison camps. Those survivors of our 1,500 military men who are listed as prisoners or missing will inevitably hear about the rescue attempt. They will be encouraged in facing their daily tribulations because they will know they have not been forgotten. They will be aware that their country is doing everything it can to obtain their release. It is entirely possible that the resulting increase in morale among our prisoners could mean the difference between life and death, by giving these men the will and stamina to continue their battle for survival under the inhuman conditions to which they are being subjected.

It should not be surprising, Mr. President, that there are those who wring their hands over the military's bold plan. Inevitably these will be the same prophets of doom who condemn virtually every move the President has made to bring an end to the war. It will be they who found immediate fault with our strategy of last spring despite its obvious success. It will be the same ones who seemingly never question the motives or the actions of the other side, but attempt to place all the responsibilities for the Vietnam problem at our doorstep.

Their answer is that we should rely on negotiations to free our prisoners. I submit that they should speak to the wives or the parents of our prisoners. They will discover quickly enough the reaction by these loved ones to negotiations that lead nowhere, persuasion which fails to move our opponents, and hope for justice in a situation where the captors have no sense of justice.

Negotiations have failed to pierce the callousness of the enemy. Even President Nixon's latest peace offer, which included as a key point the release of prisoners of war, has attracted nothing but disdain and more vitriol. It is well and good to call for more negotiations. We should continue to negotiate in every way we can. But we should not be deluded by the prospect that negotiation will release our prisoners of war in the near future. It has been notably unsuccessful to date.

Likewise our efforts to appeal to the humanitarian instincts of the North Vietnamese have availed us nothing, because the enemy apparently has no humanitarian instincts.

It seems obvious to me that, while we should continue to seek release of the prisoners through all possible diplomatic means, we should certainly utilize other bold and innovative measures. If they do not succeed, as unfortunately this one did not succeed, at least they serve notice to the world and to our prisoners of war that we are making every possible effort in their behalf.

Of course the administration expects nothing but verbal abuse from Hanoi and its Communist allies for this abortive attempt. It is disappointing however that the action reaps the same sort of abuse from some Americans also, for this surely is a cause which all Americans can wholeheartedly support.

It may be entirely coincidental, but the American Broadcasting Co., the morning after the raid was announced by Secretary of Defense Melvin Laird, carried a transcription from an American prisoner of war bringing Christmas greetings to America. According to ABC, this statement was monitored from an Hanoi broadcast and the serviceman's mother in Boston identified the voice as belonging to her son.

This may be, as I said, entirely coincidental, but it may also be an indication that our daring raid and our constant outcry for humanitarian treatment are beginning to bring results. If this is the case, then my reaction would be: Let us see more similar efforts.

In this regard, I am pleased to report that Nebraskans are very active in the matter of attracting public attention to the injustice of the POW situation. The State observed the week of November 9–15 as Concern for Prisoners of War Week, an event which drew comments from President Nixon.

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

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

REMARKS OF PRESIDENT NIXON

It is highly gratifying to note that Nebraska has set the week of November 9 through 15 as Concern for Prisoners of War Week. It is a concern that the Federal Government fully shares.

As you know, I have repeatedly urged that the enemy consider the prisoner problem as a humanitarian issue separate from our differences on the war. It is as difficult to comprehend the enemy's total disregard for human dignity as it is heartening to praise your desire to shorten the anguish and end the heartache of those who wait the return of their loved ones.

My thoughts and the thoughts of countless civic-minded, sensitive fellow citizens will be with you during this week as will our hopes that the goals for which we daily work will soon be realized.

Mr. HRUSKA. Mr. President, the President's remarks were read at the halftime of the University of Nebraska at Omaha football game on November 14.

I am also pleased to report that the Forgotten Americans Committee of Omaha, one of the first organized communitywide efforts to keep the problem of American POW's before the public, marked the week by circulating through 400 Omaha area churches an appeal for continued efforts in behalf of POW's.

I ask unanimous consent that the text of the bulletin, entitled "Let Us Not Be

Forgotten," be printed at this point in the RECORD.

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

LET US NOT BE FORGOTTEN

The "Forgotten Heroes" of the conflict in Vietnam are those brave men who are living in the world of confinement and isolation—our American prisoners of war in Southeast Asia. If your husband or son or father or brother were being held captive, would you write to your elected officials and to Hanoi in his behalf? Would you pray daily for his release? Of course you would. But would you—Will you?—do it for the husband, son, father or brother of someone else?

Mr. HRUSKA. Mr. President, the Forgotten Americans Committee, I might add, has been a very effective instrument for focusing public attention on this issue. The committee was one of the early communitywide organizations to become active. Earlier this year it staged a rally at Omaha's Rosenblatt Stadium featuring a talk by Comdr. Lloyd Bucher of the *Pueblo*. It has conducted many other noteworthy programs, all designed to maintain public attention to this problem in the hopes that enough similar efforts will mobilize world opinion to the point where Hanoi's obstinacy will be eroded and the North Vietnamese will be amenable to a humane resolution of the entire POW situation.

Meanwhile the Northwestern Bell Telephone Co. took note of the campaign by including in its November billings an appeal for mobilization of public opinion.

I ask unanimous consent that the text of this appeal be printed in the RECORD.

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

DO YOU REALLY CARE?

Today more than 450 Americans are being held prisoners by Communist forces in Southeast Asia. Do you really care what happens to them?

These Americans are being held without proper food, medical care or regard for established conventions for war prisoners.

The Communists refuse to identify all those held prisoner . . . or those known dead. There is proof of cruel, physical and psychological treatment . . . Americans paraded through the streets for public harassment and abuse . . . prisoners isolated for extended periods.

The Geneva Prisoner of War Convention . . . agreed to by more than 120 nations including North Vietnam . . . provides for humane treatment of prisoners taken during armed conflict. Convention tenets are complied with by the U.S. and its allies. We must demand in the name of humanity that Communist forces also comply.

There is evidence that Hanoi and its allies will respond to public opinion . . . but they cannot hear the silent majority.

We must speak out. You can do so by sending the attached card to the President of North Vietnam. You can show your concern for these prisoners by helping them now.

Mr. HRUSKA. Mr. President, the text of the attached card, addressed to the President of North Vietnam, reads:

Dear Mr. President: I appeal to you and to your government and to your allies to:

Treat all prisoners of war humanely as specified in the provisions of the Geneva Convention.

Release an official list of all prisoners held; provide information about those known to be dead; release seriously sick and wounded, and allow a free flow of mail.

I ask your help in the name of humanity.

Some time ago, Mr. President, I challenged the Nebraska Jaycees to turn their boundless capacity for community action to this problem to help bring irresistible pressure on Hanoi. At the time we were very hopeful that the President's proposal to free all prisoners as part of peace negotiations would draw a favorable response from North Vietnam. Despite this hope, however, I said the Nation must support the President by generating such a climate of moral indignation that it will capture the sympathy of the world's peoples.

Many thousands of Americans are now dedicating virtually their full time to this project. But we need more help. Everyone is hoping and praying for an instant solution to the problem—some dramatic action such as last weekend's raid which would quickly solve the problem. Such a key is difficult to find, and while we know the administration will go on looking, we can bolster its negotiations and perhaps tip the scales in our direction by maintaining strong pressure on world opinion from throughout the Nation.

This is a job for each and everyone of us. One of the ways in which we can be sure to advance the project is by applauding and endorsing—rather than criticizing and second-guessing—bold and innovative actions by the administration which attempt to achieve our goal.

CAUSE FOR PAUSE

Mr. ALLEN. Mr. President, Mr. Gordon Tucker is editor of the SDE, a monthly bulletin published by the Alabama State Department of Education. The November 1970, issue contains a timely and thought-provoking editorial written by Mr. Tucker which I believe deserves the thoughtful consideration of Senators and the public in general. I ask unanimous consent that the editorial, entitled "Cause for Pause," be printed in the RECORD.

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

CAUSE FOR PAUSE

One of the most disrupting and debilitating forces in all the world is a sense of guilt—especially a false sense of guilt—whether individually or collectively felt.

We must rid our society of its "guilt."

The time, in fact, has long since passed when we as a people should have purged ourselves of a guilt complex with which we should have never been burdened in the first place.

One detects what appears to be an almost deliberately implanted compunction. Design has been permitted to play upon naiveté until America has come to feel a form of mass remorse—eager to assume retribution, anxious to do penitence.

This is a powerful instrument of manipulation so long as there are those people who are content to sit draped in the sackcloth of their contrition with the ashes of their self-esteem piled high upon their heads; and during the latter years of our nation's history it has been a tool which has been all too expertly utilized by those whose most distinguishing feature seems to be a conspicuous lack of guilt in any form over anything.

Ours is a society which has less cause than perhaps any in all of history to feel an overburdened sense of guilt over so-called sins of omission. America has no equal in its concern that the dignity of any man not be oppressed. If ever there has been a time or place where a people has more willingly assumed the role of brother's keeper, it escapes the ken of our recall; yet, the "guilt" complex rides on, unchecked, throughout a disportionate segment of the American social structure.

From any promontory which one may objectively choose to view it, the national fabric lies pockmarked with the stains of this same dismal guilt—splattered there by the sympathetic minions of those groups which are dead set upon maneuvering the body of legitimate society into a posture of an unfavorable verdict against itself, rather than against those who are indeed derelict.

For whatever reasons, which we will not attempt to analyze in this limited space, many students seem especially susceptible to this approach. In the light of what one would hope should be their research capabilities after years of having been taught the various methods of sifting out the truth—of learning to think for themselves—their vulnerability is all the more remarkable. It is as if they have deliberately chosen to close their eyes to escape having to face up to the obvious.

It should go without saying that despite her imperfections, ours has been a nation which has been generous to a fault, even with those who have demonstrated in no uncertain terms that they do not have any of her best interests at heart—to say nothing of her domestic tranquality. What indeed then DO those who pose as her apologists have to feel guilty about?

Is it a guilt which takes root in our national tolerance of all creeds and religions to the extent that the Congress shall pass no statute abridging their free and conscientious exercise—or in our over-tolerance of dissent, even that which disrupts.

Perhaps it might be a guilt which is traceable to our deep-seated belief in the policy of aiding, assisting and permitting other nations the pursuit of national self-determination even though this carries the distinct possibility of the formation of governments which would re-mold their peoples along lines totally alien to that of our own.

On the other hand, could it be a guilt which derives of our foreign aid activities—not in receiving, but in expenditures totalling $144 billion since WWII despite our continuously mounting public debt?

Could it be a guilt which is attributable to the American penchant for inventiveness, enterprise, industry and productive capability—in turn, providing more consumer items than any other nation on this planet—and all to the accompanying tune of a trillion dollar economy?

Then, of course, there is the possibility that it is a guilt which finds its genesis in the greatest opportunity for study, self-improvement and professional development, for the properly motivated, of any ever afforded man, thus translating into the most fantastic realization of personal ambition and individual aspiration that any society has ever witnessed—where even the poverty-strickened are "rich" in comparison to their counterparts in other systems.

Do any of these things furnish the answer as to the why of American guilt? Well, certainly not!

We must look elsewhere—to causes other than those which come as a direct outgrowth of the very system at which this guilt would strike.

We must look beyond—possibly to the lack of identification of the above characteristics (and others) with real national meaning and

purpose; a lack of identification which even in the most charitable spirit can be described as but a gigantic taking-for-granted of all that which is dubbed both American and good.

People of all ages need to be awakened to the excellence that our nation's men of good will are attempting to hold up to the world. Seldom has the value of human life and human dignity commanded a greater respect than that which is accorded these things in America today. Probably the right of equal access to opportunity and the pursuit of happiness has never been more firmly established or fairly distributed among a folk, despite howls to the contrary. For years now our codes have been as lax as they safely can be without leaving us at the mercy of the irresponsible and those who tend to anarchy. Any further relaxation—i.e., "freedom"—can but bring on more disruption than that which we have already experienced.

In short, ours—the American way—has been the only practical means whereby there might be the equitable distribution of the opportunity to seek and gain fortune—that is, free men enjoying the widest possible latitude to rise to their level of affluence, subject only to the extent of their motivation within the bounds of their innate capabilities. Those alternatives to the contrary insure but a RE-distribution of poverty.

If nations can be judged in such anthropomorphic fashion, then ours, on balance, is a good country—just as there are good persons—saved more than once by grace through faith despite her mistakes.

In this light we have no reason to feel guilty.

Educators cannot re-emphasize this fact enough to our young people.

FUNDS FOR FOOD STAMPS

Mr. BROOKE. Mr. President, members of the Appropriations Committee will soon be meeting in conference with the House on the fiscal 1971 Agriculture appropriations bill.

One particularly vital portion of this legislation deals with the food stamp program, which has brought needed and constructive relief from overwhelming household expenses to many millions of Americans.

Earlier this year I joined with the distinguished Senator from South Dakota (Mr. McGOVERN) and other Senators in securing Senate approval for an increase of $500 million in funds for this popular and successful program.

This year, many events have combined to make the original request for funds insufficient to our needs. Unemployment has risen and has remained at a rate higher than was anticipated. The eligibility of strikers to participate in the program has diminished correspondingly the resources available to other needy recipients. And a more active outreach has added many thousands of eligible poverty-level persons to the program. At the present time, a conservative estimate places the cost of the program for fiscal year 1971 at $1.65 billion.

And it is possible that the full $1.75 billion approved by the Senate may yet be required. As an indication of the vast increase in program participants and expenditures in the last year, I ask unanimous consent that a recent news release from the Department of Agriculture be printed at the conclusion of my remarks.

Mr. President, I urge the conferees to stand firm for the Senate-passed version of the bill, and I offer them the strongest possible support in their efforts.

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

USDA FAMILY FOOD PROGRAMS AIDED 11,700,000 NEEDY PERSONS IN SEPTEMBER

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 4, 1970.

Assistant Secretary of Agriculture Richard E. Lyng today reported that an estimated 11,700,000 needy persons took part in September in the U.S. Department of Agriculture's family food-assistance programs.

Mr. Lyng said September participation in the Food Stamp Program climbed to an estimated 8,200,000 people, a record for the program. Participation in September a year ago was 3,343,806 persons. In December 1969, when improvements were announced permitting low-income families to pay less and get more food stamps, participation was 3,600,000.

Payments of "bonus coupons" to participating families also climbed during September to an estimated total of $116.2 million. A year earlier, the value of bonus coupons issued was $22.2 million.

Participation in the commodity distribution program in which foods are distributed directly to families was estimated at 3.5 million in September.

Families taking part in USDA's Food Stamp Program pay in about what they would usually spend for food. They receive additional free or "bonus" food coupons to bring their total food buying power to the level of USDA's "economy diet."

USDA food programs are administered by the Food and Nutrition Service, in cooperation with State and local governments.

THE SUPERSONIC TRANSPORT PROGRAM

Mr. JORDAN of Idaho. Mr. President, one of the most difficult and troublesome questions presented to Congress this year is whether the Government should continue financing of the supersonic transport program. The difficulty arises because there are many good arguments on both sides of the issue. Having sifted through the various arguments on both sides and weighing the relative merit of each, I have concluded that the $290 million requested for the SST program for fiscal year 1971 could be better spent elsewhere. I believe that given our tight budgetary situation and the many pressing domestic needs calling for Federal funding that we should not commit almost a third of a billion dollars to a program which may or may not turn out to be a success. Many hard questions should be answered, both in the area of economic soundness and environmental desirability before allowing the U.S. Government to continue financial support for this project.

The October 4 issue of the Sunday Star contained an excellent article on the SST entitled, "The SST—Necessity or Lethal Luxury?" The conclusion reached in that article was:

What the SST adds up to is a large question mark, a gamble with public funds and the environment that comes at a time of crisis in both areas. We should improve the odds for survival by pulling out of the SST race until the facts—not the suppositions—are in.

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

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

THE SST—NECESSITY OR LETHAL LUXURY?

An American supersonic transport exists today only as a gleam in the eyes of the Boeing Company and the Department of Transportation. The billion-dollar baby, conceived in 1959, is not expected until mid-1973 when—if all goes according to schedule—twin SST's will take to the air for five years of flight testing. Still assuming that the plane lives up to expectations, the public will fasten its seatbelt for the first commercial ride in 1978.

From the outset, there were those who viewed the project as something less than a blessed event. As the prolonged gestation period passed, the opposition grew in volume. Last spring, the army of critics came astonishingly close to major victory when the House passed the 1971 SST appropriation by the slimmest of margins.

Now the Senate is nearing a decision on whether or not to put up $290 million to continue the project. The anti-SST forces, encouraged by their near-success in the House, have redoubled their efforts. And this assault has produced a massive counterattack by the supersonic boosters to convince the Senate, the press and the public that the SST is not destined to be the ecological and economic delinquent pictured by the critics.

By now, all the criticisms and all the rebuttals have been stated and restated so often that they have, on both sides, taken on the sound of a recitation by rote. The emotional pitch may change, new authorities may be cited in accusation or defense. But the essential argument remains the same.

To the critics, the SST is a flying white elephant, destined to pollute a relatively unsullied part of the earth's environment with possibly disastrous results. The roar of the engines on takeoff and the sonic boom in flight will further degrade the quality of human life. The taxpayer is asked to buy this expensive, dangerous and annoying toy in order that the jet-setters can save a few hours of flying time.

To the boosters, SST spells progress. It will, they claim, make less noise than present jets on approach and after takeoff. The plane will be restricted to subsonic flight while it is over land and the sonic boom will pose no problem over water. And instead of an economic burden, the development of the SST is an economic necessity. With it, the United States can maintain its dominant position in the civil aircraft market—and turn a nice profit in the process. Without it, the domestic aircraft industry will disintegrate, the balance of trade will tip adversely and the overall economy of the country will suffer.

In trying to reach a judgment in this shrill and confusing debate, it may be wisest to refrain from trying to read the clouded crystal ball, and to look instead to the past. Since the industrial revolution, man has equated progress with advance, measuring his civilization according to its ability to protect itself against its enemies and to provide comfort, convenience and material security to its members. By this criterion, the advent of supersonic travel should be accepted as desirable and inevitable.

But today, man has been made joltingly aware that technology can demand a terrible price. We now know that progress has poisoned the air, the earth and the water to a degree that threatens the future of all life. We are beginning a difficult and costly effort to halt the degradation of the planet and to put technology to work producing antidotes for the poisons it has created.

Now comes the proposal to take yet another giant technological step, putting man's machines into the upper reaches of the atmosphere. No one can be certain of the result. A recent study, prepared for the Transportation Department by a panel of environmental experts, suggests that the disaster foreseen by some is wildly exaggerated, that the effect, whether for good or ill, will be negligible.

Before too much solace is drawn from that educated guess, it should be noted that the estimate was based on a fleet of 500 aircraft. If, as the proponents contend, the SST is the long-range carrier of the future, there will be thousands, not hundreds, of aircraft pumping the assorted byproducts of jet propulsion into a part of the atmosphere where they will remain for some 18 months. The inevitable accumulation of water vapor and pollutants in the upper atmosphere might produce negligible results over the next decade or two. But our concern cannot be so short-sighted. By the time we know whether ultraviolet levels are changing and whether the earth's weather patterns are being altered, we may be in a trap similar to that created by the automobile. We may know that terrible harm is being done, but it may be technically and economically impossible to stop it quickly.

The economic argument is equally riddled with uncertainty. The proponents argue that the government participation in the venture—now estimated at $1.3 billion—is not a subsidy but an investment. Uncle Sam, they say, stands to turn a nice profit. And they insist that the joint British-French SST entry, the Concorde, cannot be allowed to capture the market by default without drastic consequences for the entire United States economy.

The bright economic projection is based on two suppositions: That $1.3 billion will be the extent of the government's investment, and that the world's airlines will buy at least 300 SSTs now calculated to carry a price tag of $52 million apiece. The reverse argument that the United States cannot afford to stay out of the SST business rests on the twin presuppositions that the Concorde will be a big hit with the public when it goes into service in 1973, but that most airlines will be willing to wait five more years for the bigger and faster U.S. entry.

If recent economic history holds any lesson for the future it is that estimates of projected costs are contracts written on water. When the program was conceived in 1959, President Kennedy pledged that the government's participation would not exceed $750,000.[1] That has almost doubled and may well double again. On top of that, it is entirely possible that the private investors will be unwilling to advance the capital necessary for production. The government, in order to protect its initial investment, would then have to dig down again, pushing the cost to $5 billion or more.

If, however, the Concorde is a success, the airlines may be unable to wait for the Americans to produce. And when the Boeing product is offered, it will be in competition with a second generation Concorde, not the relatively smaller and slower version already in the air.

The economic and environmental uncertainties come together in the question of overland flights. To restrict supersonic flight to over-water routes is to restrict the economic potential of the SST. If the economic going gets rough for the airlines—as rough, say, as it is today—the pressure to permit overland flights will be overwhelming. And however sincere the intentions of those who say that sonic boom will never be permitted over populated areas, there is no guarantee that the decision-makers of tomorrow will be guided by the same concern for those who live beneath the air routes.

What the SST adds up to is a large question mark, a gamble with public funds and the environment that comes at time of crisis in both areas. We should improve the odds for survival by pulling out of the SST race until the facts—not the suppositions—are in. We should gamble not on a questionable investment, but on the ability of our economy and our prestige to withstand the impact of losing one part of one industry's market if the Concorde lives up to its sponsors' expectations.

The SST program should be shelved.

[1] Should read $750,000,000.

ARE OUR CIVIL LIBERTIES ENDANGERED?

Mr. EAGLETON. Mr. President, for 2 months this fall, Mr. William F. Woo, an editorial writer for the St. Louis Post-Dispatch, traveled over the United States, conducting scores of interviews and compiling extensive research, in an effort to determine whether, in 1970, our civil liberties are being endangered by repression.

Mr. Woo's findings were published in his newspaper last week in a seven-part series that concluded Sunday. He is an excellent reporter and an excellent writer, and the results of his investigations into this complex, somewhat amorphous, but extremely vital subject are important reading for all of us.

Mr. President, I ask unanimous consent that Mr. Woo's series be printed in the RECORD.

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

IS REPRESSION ENDANGERING CIVIL LIBERTIES?

(The Post-Dispatch has completed a two-month survey of the status of civil liberties. Along with scores of interviews conducted throughout the country, the survey included an examination of legislation and court cases.)

(By William F. Woo)

In the United States in the year 1970, six years before the 200th anniversary of its founding and 14 years before 1984:

The President's automobile was stoned by young protesters.

White radicals, who called themselves the Weatherman, were urging the destruction of the Government; black radicals, calling themselves Black Panthers, were saying "death to the police."

Bombs were going off, both through intent and blunder, with alarming frequency and people were being killed.

A judge was kidnaped from his courtroom by a band of self-proclaimed revolutionaries and murdered.

The urban guerrilla emerged as the romantic idol of the moment for the more severely disaffected and he was variously identified or confused with the Palestinian commando, the Tupemaro of Uruguay and the Quebec separatist.

In the same year that these things were occurring:

The Presdent entertained at the White House representatives of the Hard Hats, who in several cities had beaten students and other youths.

The Vice President was calling for the "separation" from society of dissenters and suggested that they be sent somewhere for "remedial education."

Congress passed a package of crime bills that contained such drastic provisions that civil libertarians throughout the country were greatly concerned.

One thousand agents of the Federal Bureau of Investigation were assigned to investigate campus violence.

In Ohio, a grand jury absolved the National Guard of any wrongdoing in its killing of four students and indicted 25 students and alleged agitators.

The Army was revealed to be operating a data bank containing the names of persons in political opposition to the Government.

A stranger to America, equipped only with a copy of the Constitution, might well have wondered what was happening in the most prosperous and powerful republic on earth. Had he been a visitor to the Senate spectators' galley on June 1, he would have heard what many would agree was a plausible explanation. On that day, Senator Margaret Chase Smith (Rep.), Maine, took the floor to speak on a "clear and present danger" that confronted "the American democracy." The date was the twentieth anniversary of her celebrated speech against McCarthyism.

"Extremism bent upon polarization of our people," she said, "is increasingly forcing upon the American people the narrow choice between anarchy and repression.

"And make no mistake about it, if that narrow choice has to be made, the American people, even with the reluctance and misgiving, will choose repression."

The point, as was clear from her full remarks, was that this harsh decision was not yet upon the people, that other, more civil options still existed through which the polarization that divided the country might still be overcome. To a significant percentage of the population, however, the Senator's words may have come too late. A growing number of persons believe that repression is now a fact of American life and that the narrow choice between anarchy and a widespread suppression of civil liberties already has been made.

The most persistent complaints about repression come from the young, the black and the over-30 whites who consider themselves somewhere to the distant left of the Silent Majority. A remark made to a reporter by Miss Margery Rosenthal, director of the Massachusetts Committee against Repressive Legislation, is somewhat typical of this point of view.

"What is going on now is unique," she said. "The war is increasingly unpopular. There is less and less money to cool our social problems and the cities are in a very bad way. The only way the Administration can deal with these things is by repression."

More bluntly, Charles Garry, the San Francisco-based attorney for the Black Panthers, says, "The Bill of Rights is inoperative for 60,000,000 Americans."

Conservatives are likely to think of repression in one of two ways. Some see it as a drastic but necessary antidote to violence and terrorism.

"I think 85 per cent of our membership would prefer a police state to what's going on now," a Washington official of a national patriotic organization says. "We just can't have a breakdown of our society—bombings and burnings of our cities."

Others, however, fear that repression may be the tragic price of urban and campus disorder.

"Repression," says Representative Richard Ichord (Dem.), Missouri, "is the greatest danger from revolutionary groups operating in this country. The great threat is that these people will cause law-abiding citizens to lose their liberty. This already has begun to come about."

From the Post-Dispatch investigation of civil liberties two general conclusions, both paradoxes, emerge:

First, despite loud and frequent assertions to the contrary, it cannot be demonstrated

that Americans now are living in a repressive society ruled by a repressive government. Yet, forms of repression exist, follow a number of well-defined patterns and seem to be tolerated by a large percentage of the people. Statistical evidence from numerous polls can easily be adduced in support of the last statement. (For example, a CBS survey found 76 percent of the public would not permit organized protest against Government policy.)

Second, since the Korean War, civil liberties have been expanded to a breadth that is without precedent in American history. Supreme Court rulings, for example, have greatly broadened the rights of the accused to have legal counsel and have placed tighter restraints on police procedures in the area of search and surveillance. A series of court rulings on the issue of pornography have left the law sufficiently broad so that virtually anything may be published if it possesses some "social value." By court and by Congress, the Negro's right to schooling, the vote, housing and public accommodation has been upheld.

Yet, the Congress passed within recent months legislation that both conservatives and liberals believe demonstrate a serious disregard for the Bill of Rights and that as a result face grave constitutional difficulties.

To persons at either end of the political and social spectrums, the Bill of Rights, in fact, seems scarcely relevant. A San Francisco labor leader finishes an interview by saying it is appropriate for youthful protesters to be beaten for their words. An article in a recent issue of the Black Panther newspaper concludes, "The only thing that will register in the mind of a pig is a 12-guage protest—aimed right between the eyes." Most persons agree, however, that the effects of polarization on civil liberties can best be measured not at the extremities but within the vast middle reaches of the American people.

As the CBS poll and other surveys disclose, a good many Americans appear willing to tolerate a retrenchment on civil liberties if such steps will reduce crime and violence. Not long ago, the office of Senator Thomas F. Eagleton (Dem.), Missouri, responded to more than 200 persons who had written in support of stiff law and order legislation. Neither the Senator nor anyone on his staff could remember receiving any letters urging that Congress, in the interests of preserving civil liberties, take a softer line on criminal legislation.

Says Representative Cornelius E. Gallagher (Dem.), New Jersey, "If someone were to introduce in the name of law and order a bill requiring the execution of every first-born child, it would pass overwhelmingly."

"Violence is intolerable to the community at large," says Harry S. Ashmore, the Pulitzer Prize-winning editor and now a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. "Therefore, the community will support repression and restrictions."

IF THERE are erosions of civil liberties, it probably is safe to say that most Americans do not regard them, taken individually, as direct assaults on the Bill of Rights.

"When you look at the Bill of Rights," Ramsey Clark, the former Attorney General, said recently, "you find that it is taught as a little piece of antiquity. People form their basic ideas not from a study of the Bill of Rights but through a gut reaction to a series of unrelated experiences in their own lives. Your idea of free speech, for example, is not usually formulated by objective study."

What frequently is overlooked by those who believe that massive repression is or is about to be a condition of American life is that civil liberties have been suppressed throughout the nation's history. As Gerald Gunther, professor of law at Stanford University, points out, the first significant free speech case did not even reach the Supreme Court until after World War I. And that case, in which Justice Oliver Wendell Holmes articulated his famous "clear and present danger" test, was decided against the defendant, who had distributed leaflets urging resistance to the draft.

In even the most cursory review of American history, periods of sanctioned repression are evident.

Under the sedition laws of 1798, Republican editors who criticized President John Adams were jailed. (Federalist editors who criticized Vice President Thomas Jefferson were not.) Abraham Lincoln, in the Civil War, suspended habeas corpus. The Espionage Act of 1917 made it a crime to "utter, print, write or publish any disloyal, profane, scurrilous or abusive language" about the armed forces or its uniforms, and persons went to prison for suggesting that woolen socks knitted by volunteers might not reach the troops. After the war, Attorney General A. Mitchell Palmer ordered mass arrests of labor and political agitators; in one sweep, 2700 persons in 33 cities were taken into custody. The accusations and blacklists of the McCarthy era remain a fresh and terrible memory for many Americans.

The fact, however, that repression is not a novel experience in American history provides little comfort to those who worry about violations of civil liberties. They point to a wide range of examples:

Passage by Congress of legislation that permits police to enter a home without first knocking, that permit judges to detain in jail without trial persons who are "substantially guilty" of a crime.

The increased use by law authorities of "spies" in schools and political groups. Some of these agents have admitted fomenting illegal actions.

The claim by the Attorney General that court orders are not needed for electronic surveillance in cases involving "national security." Wire taps against radicals have been defended on the ground of national security.

The widespread use of subpenas against reporters' notes, news photographs and unused television film footage; the use by California of a criminal statute to punish an underground newspaper for publishing unauthorized information.

Inspection by federal authorities of incoming foreign mail.

The common use of breach of peace statutes against hippies and political protesters.

The refusal by grand juries to take action against law officers or national guardsmen who shot to death students at Jackson State College and Kent State University.

Police raids on black militants, such as the one in Chicago last December, in which police fired 82 shots. The militants, several Black Panthers, fired one shot. No officers were indicted although a grand jury found that police had falsified evidence, claiming to have been attacked.

The use by the Administration of the anti-riot rider to the 1968 Civil Rights Act to indict political protesters on conspiracy charges in Chicago, Seattle and St. Louis.

Most of these and other incidents of alleged repression are on the surface unrelated. Yet, some say, despite their apparent disparate nature, these incidents contribute toward an over-all national pattern, one that reveals an increasing callousness on the part of elected authorities toward Bill of Rights guarantees and a growing intolerance among the people of unpopular social or political opinions. These characteristics, many contend, contain the potential for transforming the American society from one that at the moment may be largely indifferent to civil liberties to one that is truly repressive.

"I have a hard time," says Ebe Abel, dean of the Columbia University journalism school, "accepting the notion that we're living in a repressive era. But I do think we're living in the vestibule of that era."

Tomorrow: The New Legislation—Repressive?

LIBERTARIANS ALARMED AT HARSH LEGISLATION

(By William F. Woo)

SECOND OF A SERIES

The evidence most frequently cited by those who contend that the United States has set itself on a course leading toward repression are two harsh laws against crime and civil disruption enacted this year by Congress and other proposals that still are before the legislators that include even more drastic visions.

The more publicized of the two laws and the one that provoked the loudest opposition from civil libertarians was the District of Columbia Crime Bill, which the President signed in late July. Partly this was because the bill was the first to be taken up and debated by Congress, but even more so because of its novel features, which included no-knock entry by police and preventive detention. This bill was put forward by the Administration as a model for state legislation.

These features alarmed many persons who regarded them as a cynical exchange of constitutional guarantees for the appearance of stern and effective measures against crime and disorder. They seemed to critics to be expedient, election year concessions to the demands for law and order. Furthermore, they were thought by some to be at least tacitly aimed more at blacks and dissident youths than they were at syndicated crime and professional criminals.

Senator Sam J. Ervin Jr. (Dem.), North Carolina, who led an unsuccessful fight against the bill, called it "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindicative legislation that the Senate has ever been presented."

The second law, as its name—the Organized Crime Control Act of 1970—implies, was presented as a measure to combat organized crime, "a highly sophisticated, diversified and widespread activity that annually drains billions of dollars from America's economy . . ." Critics of the act say, however, that it will be thoroughly ineffective against organized crime and, instead, poses grave threats to civil liberties. It was to this bill that a last-minute amendment was attached at the request of President Richard M. Nixon authorizing the Federal Bureau of Investigation to investigate bombings on campus.

Of the measures still before Congress, at least five are of special concern to persons who are worried about repression:

HR-19163—a bill to amend the Emergency Detention Act of 1950. It would authorize the Government to place in detention camps potential saboteurs in time of war or insurrection. Its chief supporter, Representative Richard J. Ichord (Dem.), Missouri, says the bill would protect citizens against a capricious President because it requires a congressional resolution declaring the existence of an insurrection to become operative.

S-2600—a bill to extend the principle of preventive detention to the entire country.

HR-14864—a bill amending the Internal Security Act of 1950. It enlarges the term "defense facility" to include, among other things, schools, public utilities and any factory. The activities considered subversive under the language of the bill, says Representative John Conyers Jr. (Dem.), Michigan, are susceptible to infinite expansion. The President, says Conyers, "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm . . . Students and faculty members who ex-

press their disagreement with the university's involvement in defense work could be barred from campus."

S-3976—the First Amendment Freedoms Act. It would permit the Government or private parties to seek injunctions in federal courts against possible heckling at public gatherings.

S-3563—a bill to allow the arrest and detention of persons for whom there exists no probable cause for arrest in a crime. The purpose of the detention is to permit authorities to obtain "nontestimonial identification"—the taking of fingerprints, handwriting samples and blood and urine samples.

"Not long ago, I'd have said that most people talking in terms of repression are not being very objective," says Lawrence Speiser, director of the Washington office of the American Civil Liberties Union. "I've changed my mind because of what's happened in Congress."

The suggestion that the new crime laws, both proposed by the Administration, may be repressive was rejected by Deputy Attorney General Richard G. Kleindienst in an interview.

"There is no way you can trade by congressional enactment a constitutional safeguard," Kliendienst said. "So long as your court system has as its principal function the preservation of primary safeguards, there's no fear. Anybody who says that congressional enactment takes away constitutional rights is engaging in irresponsible rhetoric."

Under the District of Columbia crime law, police may enter without knocking if notice is likely to result in the destruction of evidence, endanger life, enable the suspect to escape or be a useless gesture. The preventive detention provision allows a judge to detain up to 60 days in prison without trial any person who is thought to be "substantially guilty" and who may be a danger to society if released.

Critics of the law contend that the no-knock provision is in violation of the Fourth Amendment's protection against unreasonable searches and examinations. They point also to the ancient principle that "Every man's house is his castle," a tradition that finds legal expression as far back as Semayne's case in 1603. In Semayne, an English court held that "the sheriff . . . before he breaks it (the door), he ought to signify the cause of his coming, and to make request to open the doors."

"When people think of no-knock they're usually thinking of someone else's home," says Lawrence Sperber, director of the Southern California ACLU Foundation. "Eventually, though it's going to be your house, your door."

Former Attorney General Ramsey Clark says that in his opinion "the real harm in the no-knock provision is that its passage indicates to the police that the public wants this kind of law. It seeks to control conduct by police violence.

". . . What it does is tell police, the legislatures, and city councils that this is something the public condones. That sort of thing can get out of control. If you begin to use such measures, you rarely limit them with any refinement."

Kliendienst disagrees. "As a matter of practice," he said. "Federal courts for years have determined a federal officer could enter if knocking would prevent the evidence from being seized. Twenty-eight states have such laws."

Opponents of preventive detention say this provision may well violate the Eighth Amendment right to reasonable bail. They point out that since 1789 federal law has made the right to bail in noncapital cases absolute. The provision, too, they say, goes against the fundamental tenet that a man is presumed innocent until proved guilty and is contrary to the historic principle that a person should not be imprisoned for crimes that have not been, and may never be, committed.

"Preventive detention should have been applauded by civil libertarians," says Kliendienst. "Under the 1966 Bail Act, federal courts could only deny bail if a court found the defendant was unlikely to appear for trial and, generally speaking, that's not a bad rule. In certain kinds of crime—armed robbery, rape, kidnaping, murder—judges prior to 1966 could take into consideration whether release would create dangers to society. Now what's happening is that the judges hypocritically make their decision on this point and 'decide' that the man will not appear for trial. We think this (preventive detention) is a correction of the law."

When the House Judiciary Committee favorably reported the organized crime bill, three Democratic Representatives—Conyers, Abner J. Mikva of Illinois and William F. Ryan of New York—issued a scathing dissent. Not the least of their complaints was that nowhere did the bill define organized crime.

"This bill," they said, "is another dreary episode in the ponderous assault on freedom. It employs the spirit of repression extant in some quarters as a substitute for the Constitution, custom and reason."

Specifically, they objected to provisions:

(1) Authorizing special grand juries to accuse public officials of misconduct even when there is insufficient evidence for indictment. The provision, the dissent says, "proposes to create official bodies bedecked with the power to accuse, while leaving the accused bereft of any effective means of rebuttal. This is hardly less than sanctified calumny." The three noted that the bill was amended by the House to exclude "elected officials from the reach of these mini-star chambers."

(2) Making admissible in court illegally obtained evidence that is more than five years old. "It demonstrates an antipathy toward, and impatience with, the exercise of constitutional rights which reflects another grim chapter in the attempts to uplift expediency to the level of constitutional legitimacy."

(3) Permitting the imprisonment for up to 25 years of "dangerous special offenders" who have been convicted of crimes carrying only a normal two-year sentence. "(The provision) . . . substitutes revenge for reason, and it flouts the concept of fair treatment."

Some who urged passage of the bill did so on the ground that increased crime made severe measures essential. Senator John McClellan (Dem.), Arkansas, speaking in support of it, said, "I know the members of this body (the Senate) want to enact whatever legislation is necessary to strengthen the arm of the law and law enforcement in this country, so that society may be protected . . ."

Others sought to associate the danger of organized crime with violent protest. "Organized crime," said Senator Robert C. Byrd (Dem.), West Virginia, is just as great a threat to the well-being of our nation as are the continued upsurge of street violence and the work of militants who seek to burn down our cities or destroy our educational institutions."

The bill reached the Senate floor in January. It was the first piece of legislation taken up by the Senate this year after its members had returned from Washington after the Christmas recess during which they had the opportunity to talk and listen to constituents. The bill was approved, 73 to 1.

"That," says Senator Thomas F. Eagleton, (Dem.), Missouri, "tells you something about the mood of the country."

Tomorrow: The citizen in 1970—how free to speak and assemble?

BREACH-OF-PEACE LAWS ASSAILED AS REPRESSIVE

(By William F. Woo)

THIRD OF A SERIES

On the day the Navy recommissioned a warship in Philadelphia, Peter J. Countryman was one of 100 persons who went to a park to protest against the event. Despite the peaceful and symbolic nature of the protest, which consisted of planting a tree and singing songs, Countryman and 50 others were arrested for violating an ordinance prohibiting gatherings of more than 12 persons in times of a "limited civil emergency."

Such an emergency had been proclaimed by the mayor of Philadelphia a few days earlier, after the assassination of the Rev. Dr. Martin Luther King had been followed by disruptions in several cities. A few blocks away from the park where Countryman and the others were arrested, 10,000 persons were assembled to celebrate the warship's recommissioning. That event was undisturbed by the police.

In Los Angeles, Paul Robert Cohen was arrested when he appeared in the Municipal Court building wearing a jacket embroidered with a slogan denouncing the draft. The slogan employed a four-letter word commonly considered an obscenity. Cohen was convicted on charges of "tumultuous and offensive conduct." His appeal is before the Supreme Court.

In Toledo, O., the city attorney's office has announced that a long-standing statute forbidding disrespect for the police will be invoked whenever someone calls an officer a "pig." To say "oink, oink" in the presence of a patrolman now can bring 30 days in jail.

The cases of Countryman and Cohen and the resurrection of the disrespect ordinance by Toledo officials are typical examples, say those who are concerned with the possibility of repression of attempts to suppress the First Amendment rights of dissidents. The widespread use of breach-of-the-peace statutes, the threat of federal conspiracy indictments and the difficulty frequently encountered in obtaining permits for rallies and demonstrations are evidence for many Americans that speech may not be free for all and that the right to assemble peaceably may exist for some only at the whim of the authorities.

It is, however, probably safe to conclude that to a sizable majority of citizens the notion that the First Amendment may be under serious attack is clearly preposterous.

At any moment, in the ghetto and on the campus, one may hear appeals for the overthrow of the established order. Communists and radicals do manage, although with occasional difficulty, to obtain a public forum. Radicals such as Angela Davis are hired by state university regents. And by now the spectacle of violent demonstrations has, through television, long become a familiar one for almost everyone.

As suggested in a CBS poll, which shows that 76 per cent would prohibit any demonstration by extremists against the Government, a good many persons may think that speech today is all too free.

Especially disturbing to civil libertarians is the fact that some of the most severe assaults on the principle of free speech have come from the militant left. As Marc Franklin, professior of law at Stanford University, observed, "The people who scream for free speech are the very people who stand up and holler the loudest when it comes to letting someone else with different ideas speak."

Some who attempt to justify heckling or the shouting down of speakers do so on the ground that such tactics are the only way for protesters to bring their views before the public. Others argue that individuals have an obligation to interfere with those whose speeches serve a so-called immoral policy. A

third, and more sophisticated rationale, is advanced by Donald Kalish, professor of philosophy at the University of California at Los Angeles.

"It's spurious," Kalish says, "to use the First Amendment against shouting someone down. The people who are shouted down are people who really can't be suppressed. They have the media. Their point of view is all over the nation, before the people every hour of the day. Shouting them down doesn't suppress an idea. Under most cases, though, it's a tactical mistake. If you let them speak, they'll usually do themselves in."

In matters of free speech, both liberals and conservatives face a similar dilemma. As Alan F. Westin, a Columbia University political science professor, pointed out, the Bill of Rights is hardly a national suicide pact.

"No society," said Westin, "legally allows revolution. There have to be rules for changing the system."

The dilemma is the point at which the line can be drawn to prohibit speech or assembly without at the same time violating the Constitution.

Robert L. F. Sikes (Dem.), Florida, said, "Those who incite to violence should be punished whether or not freedom of speech is impaired."

When Sikes made this comment, he was speaking on behalf of the antiriot provision of the 1968 Civil Rights Act, which makes it a felony to travel interstate or to use the mail, telegraph, telephone, radio or television with the intent to encourage any person to participate in a riot. It is the provision under which the defendants in the Chicago conspiracy trial were brought to court and under which political protestors have been indicted in Seattle and St. Louis.

Civil libertarians, in attacking the constitutionality of the statute, contend that provocative speech by "outside agitators" is protected by the Constitution, even in times of social instability.

In a friend-of-the-court brief filed with the Supreme Court in behalf of three Black Panthers who have challenged the antiriot section of the act, attorneys for the American Civil Liberties Union quoted from the decision of the Supreme Court, written by Justice William O. Douglas in 1947, in the case of Terminiello vs. Chicago:

"A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. This is why freedom of speech, though not absolute . . . is, nevertheless, protected against censorship or punishment, unless shown likely to produce a clear and present danger of serious substantive evil that rises far above public inconvenience, annoyance or unrest."

The lawyers themselves concluded, "Therefore, since there is constitutional right to travel in interstate commerce and a constitutional right to engage in agitation . . . Congress may not constitutionally prohibit 'outside agitators' from crossing state lines. Nor may it enact legislation having the same effect under the guise that it is legislating against violence."

Although conspiracy indictments are regarded as the most drastic measures against political or social dissent, they have been until now used sparingly. The most frequent complaints about the suppression of free speech are concerned with breach-of-the-peace statutes. Just last week, the ACLU, acting for four activists, asked the Supreme Court to invalidate St. Louis peace disturbance ordinances on the ground that they were unconstitutionally vague. It was under a similar statute that Paul Robert Cohen was convicted in Los Angeles.

Anthony G. Amsterdam, Stanford law professor, writing in an ACLU friends-of-the-court brief filed on Cohen's behalf, said, "They (breach-of-the-peace laws) are the sinks of American criminal and constitutional jurisprudence. Hundreds of times every day, in every state, their applications are the occasion of arbitrariness and injustice, harassment, ideological repression . . .

"Of course, the prosperous, white, well-groomed, well-shod citizen, so long as he avoids political assemblies and never expresses unpopular views in public, has no reason to encounter these laws, or even to know that more arrests are made yearly under their authority than for any other 'crime' except drunkenness. But where the poor live, or the black, the dissentient, culturally divergent, those whom policemen see as 'subjects' rather than objects—or any who youth, venturesomeness, wanderlust, social or political activism or bad housing cause to be upon the streets more than ordinarily often—the breach-of-the-peace laws are an ever-present repressive force."

The convictions of Countryman and the others arrested in the Philadelphia park at the time of the proclaimed state of limited emergency were appealed to the Supreme Court, which declined to review the case. The refusal itself was regarded by some as an ominous sign.

"It was a clear signal to the states," said one Los Angeles lawyer. "It said, Go ahead and do whatever you want. We won't get involved'."

In a dissent, Justice Douglas raised several questions pertaining to the banning of public assemblies.

"Control of civil disorders that may threaten the very existence of the State is certainly within the police power of the government," Douglas said. He went on, however, to ask, "Yet does a particular proclamation violate equal protection? Is it used to circumvent constitutional procedures for clearing the streets of 'undesirable' people? Is it used selectively against an unwelcome minority?"

Authorities frequently cite the possibility of violence as a reason for discouraging public gatherings. Such discouragement, most frequently directed at young persons and minority group members, takes the form of a refusal to grant permits or of arrests. Civil libertarians, however contend that the threat of violence is not sufficient cause to prevent assemblies and in support of this view point to an opinion written in 1927 by Justice Louis D. Brandeis.

It said, "Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trival harm to society . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression."

Recently, this opinion was cited in a case arising out of the arrest at San Fernando Valley, Calif., State College of about 300 students who were waiting to be addressed by the school president. The meeting had been called by the president to discuss demonstrations that had been occurring at the college.

"The meeting was canceled by the president on the advice of police spies, who said that it would become violent," said Lawrence Sperber, a civil liberties lawyer in Los Angeles. "As the students were settling in their chairs, waiting for their president, the police decreed it an unlawful assembly and ordered them to leave. They didn't and the arrests were made.

"Now, was this a case of preventive arrest, an attempt to stop trouble before it began? If you follow that line far enough, you begin putting people in concentration camps before they do anything wrong."

Tomorrow: The Press Under Pressure.

GOVERNMENT UNITS HARASSING PRESS

(By William F. Woo)

FOURTH OF A SERIES

Arthur G. Kunkin and Gerald Robert Applebaum were convicted in a California Superior Court this summer of receiving stolen property. Neither of the defendants fits the usual image of a fence, and the stolen property in question was hardly the sort normally taken by professional thieves. The case, in short, had significance beyond those of an ordinary criminal trial.

Kunkin is editor and publisher of the Los Angeles Free Press and Applebaum is a former reporter for the paper. The stolen property was a document that made its way in an unauthorized fashion from the state attorney general's office to the underground publication. The document contained the names, addresses and telephone numbers of California narcotics agents and when the Free Press published these, under a headline reading "Know Your Neighborhood Narc," the state filed criminal charges.

At the time of the conviction, the case received little attention. Some civil libertarians and editorialists who might have taken an interest in the trial were put out by what they considered the wanton journalistic irresponsibility of exposing 85 state agents to harassment. Two months after the trial, however, one significance of the case was described in an opinion article in the Los Angeles Times.

Pointing out that this was the first time that the law against receiving stolen property had been applied to the publication of information in a newspaper, Gene Blake, the Times' legal specialist, wrote, "Should this case stand and become precedent, the impact on the investigative efforts of the press to disclose wrongdoing in government could be devastating."

"Anytime you publish anything that isn't released to you, you're buying a prosecution," says Mel Albaum, an attorney for the Free Press. "They're not going after the big papers, but you go out and start your own little paper and see what happens."

Albaum's remarks underscored the second significance of the Free Press trial: The state had used the novel weapon of a burglary statute not against a large established publication but against an underground newspaper that espouses radical political and social opinions. In this respect, the prosecution of the Free Press provided further confirmation for those who believe that the media have become targets for official intimidation.

"The Press," says Prof. Richard T. Baker of the Columbia University School of Journalism, "has had a year of harassment. It is under serious attack."

In addition to the Free Press prosecution, other examples that have been offered as evidence that government authorities are attempting to intimidate the media include:

(1) The broad and sweeping subpenas issued by the Department of Justice for reporters' notes, news photographs and television film.

(2) Vice President Spiro T. Agnew's vigorous criticism of both television news analysis and newspaper editorials.

(3) The advice of Federal Communications Commission Chairman Dean Burch to executives of the Corporation for Public Broadcasting to "go out and hire some noncreative conservatives."

(4) Burch's request to the networks, three days after he took office, for transcripts of comments after a speech by the President.

(5) A bill introduced in the House that would require broadcasters to retain used and unused film and tape for government review.

(6) Strongly worded suggestions from the White House that songs with lyrics mentioning drugs not be played over the air.

In the opinion of some, government subpenas represented the most serious threat to the press. In a speech on the subject, Nicholas Johnson, the outspoken FCC commissioner, said that "this wave of government subpenas, together with other manipulations of the press, have placed the freedom and integrity of this country's news media in serious jeopardy."

The list of news organizations that have received subpenas for information acquired in reporting is extensive. It includes the New York Times, Newsweek, Time, Life, Fortune, the Post-Dispatch, the Chicago Daily News, the Chicago Sun-Times, the Chicago Tribune, CBS and local television stations in Baltimore and Chicago.

The most publicized of these cases involves a subpena issued to Earl Caldwell, a black New York Times reporter who specializes in reporting on West Coast militant groups. In February, Caldwell was served with a subpena from a federal grand jury in San Francisco ordering him to appear before it with notes and tape recordings of interviews with Black Panthers dating back to January 1969.

The following month, Caldwell received a second subpena ordering him to testify but without identifying the subject matter of his expected testimony. On motions by Caldwell, the Government withdrew the first subpena.

Before legal proceedings in Caldwell's appeal on the second subpena were completed, the term of the grand jury expired. A new grand jury was sworn in and a third subpena was issued. As he had in the two previous cases, Caldwell refused to answer it, citing the First and Fourth Amendment's guarantee of free press and the prohibition against unreasonable search and seizures. Caldwell contended that the subpenas were based on information gathered by unconstitutional government wire taps.

In June, Caldwell, continuing his refusal to appear before the grand jury, was found guilty of civil contempt. That conviction is being appealed.

Caldwell and other reporters maintain that to appear before a grand jury jeopardizes a journalist's credibility with his news sources. Because grand jury proceedings are secret, a reporter has little opportunity to convince his sources that he has not betrayed their confidences.

"To a Degree never previously shown, this record documents the devastating effect that the compulsion of newsmen's testimony has upon freedom of the press," Caldwell's brief appealing the conviction says.

"Newsmen of national stature—Walter Cronkite, J. Anthony Lukas, Eric Sevareid and Mike Wallace, among others—filed affidavits making basic points: that confidential communications to newsmen are indispensable to their gathering, analysis and dissemination of the news; that when newsmen are subpenaed to appear and testify concerning information obtained by them in their professional capacities, their confidential news sources are terrified of disclosure and consequently shut up; that the mere appearance of a newsman in secret grand jury proceedings, where what he has told cannot be known, destroys his credibility . . ."

"The Caldwell case, Says Anthony G. Amsterdam, professor of law at Stanford University and Caldwell's attorney, "is important because it's at the junction of two things. One, there is an active federally directed effort to suppress the Black Panthers, and the Caldwell case is an important instrument of that program. Two, it shows a callousness on the part of the Administration to what kinds of liberty get stepped on as they go about doing what they want to do.

"There are serious risks to the press in this case. As groups get polarized, the role of the press becomes much more sensitive. And also as polarization continues, it becomes more vital for the public to get a good flow of accurate news. Today it is both more important and more difficult for a report to relate to all segments of society."

Prof. Baker points out that the subpena cases have been usually associated with the reportage of social changes.

"We should be trying to find out what the radical movement is about, and the Government should be encouraging the press to establish lines of confidence with people in the movement," he said. "Why then should the Government try to break the New York Times' line of communication with the Panthers in Oakland?"

At the American Bar Association meeting this year in St. Louis, Attorney General John N. Mitchell said he did not consider "the press an investigative arm of the government." In the future, he said, the department would negotiate with the press in all instances in which subpenas were contemplated and would use subpenas only if negotiations failed.

His remarks, however, did not erase the feeling many have that the Government intended to continue applying pressure to the press.

"Mitchell's doctrine tells me two things," says Elie Abel, dean of the Columbia Journalism School. "It says, first, that the more thorough and penetrating your performance, the more you'll be harassed by the Government. And secondly, it says if the press will lay off the kind of investigative stories such as Caldwell was doing the Government will lay off the subpenas."

Many observers of the press contend that if there is an official effort to intimidate the media it can best be observed in the performance of television networks and local stations. These attempts at intimidation, they say, can be traced to November 1969, when FCC Chairman Burch requested transcripts of network analysis of the President's Vietnam speech and when the Vice President, speaking in Des Moines, Ia., denounced "instant analysis and querulous criticism."

An editorial in TV Guide has noted that "Vice President Spiro T. Agnew's scolding of the networks apparently had the desired result: after President Nixon's Dec. 8 press conference, there was no criticism whatever from the commentators who followed him."

Agnew himself has said, "Sometimes when I look around the tube from time to time, I think I have had a modicum of success." Tricia Nixon was more direct in her assessment of the Vice President's performance: "He's amazing, what he's done to the media . . . You can't underestimate the power of fear."

Reuven Frank, president of NBC News, contends, however, that the actions of the Administration have had little effect on the networks.

"I don't know that the networks have been intimidated," he said in an interview. "Since the Des Moines speech, I'm tired of trying to defend myself against this. We're not in the business of debating the President of the United States. What I've tried to do since then (Agnew's speech) is to keep people from doing either more or less than they had been.

"On this matter, we've had neither direct nor indirect pressure from our business office. Where we get the pressure, and it is real pressure, is from some of our affiliated stations. There is pressure on the way we do the news. There are repeated suggestions for a conservative spokesman. We get suggestions that we devote less time to radicals. 'Why don't you give us good news?' they ask. What they really want isn't good news. It's bad news happening to somebody else."

Tomorrow: The "Age of Aquariums."

DATA BANKS CAUSING ALARM

(By William F. Woo)

FIFTH OF A SERIES

Not long ago, in the course of a conversation with a visiting reporter, Representative Cornelius E. Gallagher (Dem.), New Jersey, began discussing "the last election." Gallagher was not talking about this year's congressional elections; neither did he have in mind President Richard M. Nixon's victory in 1968.

What Gallagher was referring to was the last election ever to be held in the United States.

"What happens," he asked, settling back into a large, black armchair, "when we have the second and third users of the data bank? All the crooks have been put in jail now. The data banks have gotten all the corrupt politicians out of office. A national police force has been installed. Someone, then, comes along who is smart enough to see the electronic corridors to power. One can foresee the last election."

As Chairman of the House special subcommittee on invasion of privacy, Gallagher for years has been a close student of computers and data banks and the possibilities for mischief that arise out of their misuse.

At the moment, the "last election" exists only as a figment of political science fiction. In alluding to it, however, Gallagher was expressing the deep concern many persons have over the dangerous possibilities that lie in the manipulation for political ends of information that is stored in computer-based data banks.

"The surveillance mentality," says Gallagher, "drawn to its logical conclusion means a dictatorship in United States in five years. Not through a malignant plot, mind you, but through a corrosion of liberties carried forward, as the glaciers move, by well-meaning people. We are already living in the age of aquariums."

Three data-gathering operations which have accumulated files on political dissidents, have caused considerable alarm among civil libertarians. These are data banks maintained by the Department of Justice and the Secret Service and an information system that the Army now says it has discontinued.

"I'm afraid that the net effect of collecting information will be for repressive purposes," says Aalan F. Westin, a Columbia University professor of political science and the author of "Privacy and Freedom." "I don't think that the people who are collecting the information can distinguish between revolutionaries and legitimate protesters."

Recently, Senator Sam J. Ervin Jr. (Dem.), North Carolina, wrote the Justice Department asking for an explanation of its policies on collecting personal information about citizens. "A particular area of current controversy," he wrote, "is the extent to which federal agencies may appropriately maintain intelligence-type data banks for surveillance of protesters, demonstrators and others involved in political activities either for or against various government policies."

Ervin's letter was answered by Deputy Attorney General Richard G. Kleindienst, who said the department had four systems for collecting information on individuals: the Civil Disturbance file, Organized Crime Intelligence Center, National Crime Information Center and the Known Professional Check Passers File.

"We share your concern with regard to unwarranted invasions of individual privacy," Kleindienst repield. "I would like to to emphasize, however, that the Department of Justice maintains only those records and systems which relate directly to the department's functions as a principal law enforcement agency of the Federal Government

"The department does not investigate protesters, demonstrators and others involved in political activities either for or against various Government policies. We do seek information concerning individuals in this country whose activities may constitute a violation of federal statutes . . . or whose activities present a potential for riots, disturb-

ances, armed rebellion, urban guerrilla warfare or other violence."

Of the four systems, the one greatest concern to civil libertarians is the Civil Disturbance file, which was established in July 1969 and contains information on 13,200 persons and 14,000 incidents. Completely computerized, its purpose is to co-ordinate all civilian activities connected with civil disturbances.

In his letter to Ervin, Kleindienst conceded that no written comprehensive guidelines existed governing the disclosure of data in the file, although "access and review are severely limited. Disclosure of information is predicated upon a need-to-know basis and follows established procedures governing the exchange of information between law enforcement bodies."

Attached to the letter was a fictitious sample printout from the file's "individual" category. It gave the name and home town of a 24-year-old man, noted that he belonged to the Students for a Democratic Society, had been arrested for possession of marijuana and incendiaries and was a suspect in a plot to burn down the Justice Department.

In addition to incidents of actual violence, the data bank contains information on such events as peace rallies and welfare protests and the individuals and groups involved in them. Judgments are made by the department as to whether the individuals are radicals or moderates.

"There's no way to determine the standard for getting on the list," says Lawrence M. Baskir, chief counsel for the Senate Subcommittee on Constitutional Rights. "And why keep lists of demonstrations anyway? People like the Weathermen don't usually engage in peace demonstrations.

"I don't like the idea of a general dossier that shows presumptive guilt. What the Government is doing is taking activities that are innocent on the surface and using them as indicators of a trend toward criminality."

The Secret Service data bank, one of the most sophisticated information gathering systems in the Government, is used to assist the agency in its function of protecting the President.

To justify the system, the Treasury Department cites the Warren Commission report, which states: "It will require every available resource of our Government to devise a practical system (of identifying potential assassins) which has any reasonable possibility of revealing such malcontents."

Ervin and others contend that the guidelines for collecting information for the bank are far too broad. Among other things, the guidelines seek information on persons who "insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances," who are "professional gate-crashers," who plan to embarrass Government officials and who make "oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements." It seeks "information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas" and data on civil disturbances.

"Potentially, at least, I may qualify under the loosely written and even looser interpreted guidelines the Secret Service has issued," Ervin says. "Although I am not a professional gate-crasher, I am a malcontent on many issues. I have written the President and other high officials complaining of grievances that some may consider imaginary . . .

"The guidelines seek a wide variety of information of any tangential significance for discovering possible assassins. Requesting information on people taking part in demonstrations, be they anti-American, civil disturbances, or just plain demonstrations, opens the possibility at least of having everyone of hundreds of thousands who peacefully marched in recent months entered into Government security computer files."

Ervin pointed out that the Secret Service did not inform persons that their names were put in the file and they are given no opportunity to rebut derogatory information until they are arrested.

"That there is some opportunity to rebut at this stage is scant comfort," Ervin said. "We can only speculate on the consequences to an individual which follow his arrest for being a possible danger to the President. It will be little recompense to the victim's reputation if it later turns out this was a mistake and the Secret Service apologizes."

The Secret Service data bank is said to be capable of retrieving from its file individuals by name, alias, group affiliation and even by physical appearance.

"When that bomb went off in Cambridge, Md., this year at the courthouse where Rap Brown was to be tried, the Secret Service took the description of a woman seen around the place," says Baskir. "That description was put into the computer and out came five names. The question is, how did those five people get into the file?

"When it becomes known that the Government is taking notice of people who engage in certain kinds of activity, people will stop doing these things regardless of whether or not they're perfectly legal. The First Amendment goes out the window if people don't do things they think the Government doesn't approve of. And at this point, you're well on the way to thought control."

The existence of the Army domestic intelligence system came to light this January in an article in the Washington Monthly. The author, Christopher H. Pyle, a former Army officer, disclosed that the Army was keeping a detailed dossier on "virtually every activist political group in the country."

The program, which included a data bank, a microfilm archive of clippings and a loose leaf encyclopedia on dissent, was established to provide the Army with early warning should it be called on to quell civil disorders.

Representative Gallagher estimates that at one time the Army maintained three or four data banks containing the names of from 7,000,000 to 10,000,000 persons. Some of the information in the system appears to have been included without careful review.

"A prominent general whose fighting record is among the very best was classified as being a far-out leftist peacenik," reports a member of Gallagher's subcommittee staff. "The reason was that a former soldier in his outfit had submitted his name as a subscriber to an underground newspaper."

When it was learned that the Army was keeping track of civilian political activity, both Ervin and Gallagher threatened to hold hearings on the matter.

The Army received more than 50 inquiries from Senators and Representatives on the system and the American Civil Liberties Union filed suit to force the military to discontinue this surveillance. As a result of the controversy, the Army announced that it was dismantling its data banks.

Some, such as Gallagher, took the Army's word that it had abandoned its domestic intelligence system. Others such as Ervin and Baskir remained skeptical.

In a letter to Secretary of the Army Stanley R. Resor, Ervin said "it appears that the army has finally persuaded thet Department of Justice to assume certain surveillance and certain data-collection which the Army has been performing on civilians . . . However, I confess that the exceptions, qualifications and lack of criteria in your policy letter could lead the average citizen—which I consider myself—to wonder just how much of a change it represents in Government policy."

In addition to the constitutional issues the Army's intelligence system raised in the matter of invading the privacy of citizens, the data banks were important for another reason, the Senator said.

"This," Ervin said, "was that they appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by Government and by private industries. I believe that in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes and personal activities, there may well rest a potential for political control which is alien to a society of free men."

Tomorrow: Public attitudes on civil liberties.

FREE SPEECH IDEAL WANING

(By William F. Woo)

SIXTH OF A SERIES

On the Fourth of July, a newspaper reporter stood on a sidewalk in Miami and asked 50 middle-aged passers-by to sign a copy of the Declaration of Independence. Only one man agreed. One person threatened to call the police, another suggested that the Federal Bureau of Investigation investigate the document and two others called it "Commie junk."

The reporter selected middle-aged pedestrians because earlier he had circulated a questionnaire about the Declaration among 300 young persons attending a Youth For Christ meeting. Twenty-eight per cent of the youths thought the Declaration had been written by Lenin. Others said it was the work of a hippie or "someone against our country."

As a number of surveys have demonstrated, there was nothing unusual about the public's response in Miami. More than 80 per cent of those questioned in Omaha refused to sign the Declaration. In Madison, Wis., only one person in 112 said he would sign the Bill of Rights. Most who refused said it was out of "fear of the consequences." In Aurora, Ill., two thirds of those approached refused to sign the Preamble to the Constitution.

If many Americans are unwilling to endorse the specific language of the Constitution or the Declaration, there is also evidence to suggest that a sizable percentage of the population does not agree with the principles of these documents.

A poll conducted by the Columbia Broadcasting System this year found that more than half of those questioned would favor peacetime censorship if the Government considered certain news stories harmful to the national interest.

More than half would not give everyone the right to criticize the Government and 76 per cent said that extremists should not be permitted to demonstrate against the government, even if there was no danger of violence.

A Harris poll showed that one American in five believes that "some politicians who have their lives threatened probably deserve it" and that one in 11 agrees that "sometimes I have felt that the best thing for our country might be the death of some of our political leaders." Half said that the "rough-and-ready" justice of the Old West was more effective than current procedures, "with all the legal red tape."

"Very frankly, I think that if people say 'kill the pigs,' the cops ought to take after them," says Al Clem, business manager of Operating Engineers Local Three in San Francisco. "I think a guy has a right to express his opinion but he ought to take his lumps without whining about it.

"We've all been on the picket line and admittedly we broke some laws. But when the cops laid the wood to us we took our lumps. Some of these crybabies are shouting now about what happened at Kent State. Well, the National Guard wouldn't have been around if the students hadn't burned the ROTC building."

In an apartment in Cambridge, Mass., Robert Gaylord Burlingham speaks in a patient, almost resigned manner, about the Bill of Rights. The impression he conveys is that the guarantees in the Constitution are neither adequate nor relevant any longer. Burlington is 24 years old and along with 12 other members of the radical Weatherman organization, he is under a federal indictment charging him with being part of a conspiracy to commit bombings in four cities.

"I suppose," he says, "that among lawyers and public people, the Constitution means something, that it's still possible to have justice in the constitutional sense. Among the people with whom I operate, among the young left in general, there's a cynicism about whether we have the right to speak or assemble.

"What's pushing this country toward a civil war is not a disregard for the Bill of Rights, but Vietnam. I believe the American Government and the American system have to be stopped by any means, preferably with the least amount of suffering.

"I don't think the proper social goals can be achieved under the Bill of Rights framework as long as power is distributed so unequally in this country. And actually, the question really isn't whether the Bill of Rights works in America. The question is whether you want the Bill of Rights for Southeast Asia."

Neither Clem nor Burlingham could claim to speak for all trade unionists or all radicals. Many in the labor movement are sympathetic to the aims of young protesters just as many radicals believe that the principles of the Bill of Rights are still useful.

"How the hell do you expect the kids to react to the war?" asks John De Lury, president of Uniformed Sanitationmen's Local 831 in New York. "If money were taken from killing and maiming and put into social reform it would solve some of the problems.

"I'm the champion of free speech, but I say when a man takes high office in the nation, or the state, or this city, and he divides the nation with his speech, he's worse than Benedict Arnold."

One of De Lury's assistants interrupted: "Who are you talking about?"

"I think his name is Spiro," De Lury replied. "Look, bullets and force have never killed an idea and neither has punitive legislation. Kent State—the National Guard was there and that college didn't quiet down."

Carl Oglesby, a radical theoretician, recently spent a few months as a visiting fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. While he was there, a reporter asked him whether he thought the Bill of Rights would necessarily have to be disregarded to achieve the kinds of social changes that radicals demand.

"I wouldn't abridge the Bill of Rights," he said. "As long as there isn't a civil war going on, there are certain rules that should be followed.

"There's no civil war now, only a metaphorical one. People who say there's a civil war in America haven't the faintest notion of what things would be like. I mean, that'd be a whole new and different trip."

For many Americans, especially the young and members of minority groups, the problem is not so much that the Bill of Rights may be irrelevant or objectionable as it is that it simply appears inoperative insofar as millions of persons are concerned.

"Kids who grow up believing in the Bill of Rights see the contradictions between what it says and what is really happening in society," says Mrs. Sarah Cirese, a researcher at the University of California who recently completed an attitudinal survey of students on 10 campuses.

"We found the more active the kids, the higher their level of moral development was likely to be and the more committed they were to the idea of freedom. At the highest level of moral development, there's a strong belief in the Golden Rule, the Bill of Rights, in acting on the basis of principles and one's conscience."

Students surveyed by Mrs. Cirese indicated a strong commitment to the ideal of free speech. Eighty-seven per cent agreed that "a person who advocates unpopular actions or holds unpopular ideas, no matter how extreme, should be allowed to speak to students." But she also found that 99 per cent of the students believed that some form of confrontation was necessary for social and political change. And nearly 10 per cent thought violence must occasionally be resorted to in order to effect change.

Charles Garry, the Black Panthers' attorney, has concluded that as far as the black and the poor are concerned, the Bill of Rights is meaningless.

"The Bill of Rights means nothing to you unless you can participate in the democratic apportionment of the wealth," Garry says. "The Bill of Rights means nothing on an empty stomach.

"In fact, I don't think the Bill of Rights is operational at all. In some cases, it has the appearance of being operational, but it's not. In terms of appearance, you have a judge, there's a jury, there's a lawyer defending the man and the judge even gives the appearance of being fair. But everything the judge does is geared to the prosecution. He's supporting the status quo and he looks at the defendant as an enemy of the status quo.

"If you could give the finest legal defense to blacks, it wouldn't mean a tinker's dam. It would only mean that they were convicted under the legal process. I'm trying to see if the Bill of Rights can give my clients some relief, but I don't kid myself.

"You know 34 months in prison for Huey Newton is hardly any justice. I really don't know what I'm accomplishing. I know the system doesn't work. I've come to the conclusion that our present system is tyrannical and has no useful reason to exist."

Middle Americans, too, are troubled over the apparent contradictions between the ideals of the Bill of Rights and conditions as they exist in society. They, however, are more likely to view the contradictions as arising out of abuses that certain groups—criminals and protesters—have made of constitutional guarantees.

"People in my area aren't looking for new repressive laws," says Max Hanson, of Boise, Idaho, a national vice commander of the American Legion. "They're mainly against destruction of property and the disruption of public institutions. I think most citizens of Idaho are quite tolerant of free speech, but by the same token they don' want to allow destructive acts to take place. If you want to get in trouble real quick in Idaho, just try burning a flag.

"If the dissident minority would follow the accepted ritual in presenting their views, nobody would object. It's their disgusting manner that offends peace."

In the district of Queens represented in the New York City Council by Matthew J. Troy, crime and radical activities are the two most frequently discussed topics. Of the district's 400,000 residents, 9000 are police officers, which gives Troy the largest constituency of policemen in New York.

"I'm fed up to here with civil libertarians who say they are going to do certain things that disrupt the civil liberties of others." Troy says. "People have a right not to have others come into their communities and start riots.

"When they had a disturbance at Queen College, I and seven other councilmen from Queens told the president, who had to climb out of his office window to meet with us, that he either stop this nonsense or we were going to cut the budget and close the school down altogether. We're not going to pay taxpayers' money so that he can run a boarding school for revolutionaries."

Nonetheless, Troy, who considers himself somewhat more liberal than most of his constitutents, is concerned with the intolerance he observes in his district. He said that a radical such as a Weatherman probably would be denied the right to speak and he recalled a community meeting at which the audience shouted down a speaker who was attempting to describe a program to help drug addicts.

"My God," he said, "it must have been what Germany was like in the '30s, the way they yelled at that guy."

In a recent discussion on public attitudes toward civil liberties, Vern Countryman, a Harvard law professor, noted that "many people feel caught between Nixon-Agnew-Mitchell on one hand and the SDS-Weatherman-Panthers on the other. They're both a threat to civil liberties.

"You know, I suppose if we had any way of reading people's minds, we'd find a lot of people in the country don't really believe in free speech. I guess that's why somebody had the wisdom to write those guarantees into the Constitution."

Sunday: Repression through the years.

Civil Liberties Threatened Many Times in U.S. History

(By William F. Woo)

LAST OF A SERIES

A scenario for political repression:

Two years before a national election, the majority party in Congress pushes through a law making it a prison offense to write malicious articles about the President. The law is designed to intimidate the opposition press during the forthcoming campaign. It expires on the day after the incumbent President's term ends. In this way, the statute cannot be turned against those who wrote it, should the opposing party's candidate win the election.

As the campaign begins, an editor is brought to trial under the law. He is accused, among other things, of suggesting that the President is spending too much money on the military and encouraging high interest rates. The editor is charged also with having written that at the time the President took office, he "was hardly in the infancy of his political mistake . . ."

In his remarks to the jury, the judge makes the political purpose of the law plain. "This publication," he says, "is evidently intended to mislead the ignorant, and inflame their minds against the President, and to influence their votes on the next election."

Convicted, the editor is fined and spends six months in jail.

The scenario is from American history. The law was the Sedition Act of 1798. The editor was Thomas Cooper of Sunbury, Pa., later to become president of South Carolina College. The judge was Samuel Chase, a fierce partisan of the Federalists and President John Adams. In addition to Cooper, nine men, all Republicans were convicted under the act.

"The Sedition Act," says Donald H. Fleming, professor of history at Harvard University, "was probably the most serious threat to civil liberties we've had and it came at the very beginning. But, mind you, the man who was against this threat, Jefferson, was elected President."

Persons who believe the nation now is undergoing a repressive period in which civil liberties are being er-ded in wholesale fashion can muster a certain amount of evidence for their case. They point to, among many other things, what they consider harsh criminal legislation of dubious constitutionality, increased Government surveillance of political protesters and efforts to intimidate the press.

It can be said, however, that although

there may be some genuine cause for concern now by civil libertarians, American history is replete with instances of repression. A case, in fact, might be made that civil liberties have been in jeopardy far more frequently than they have been secure.

"The contrast with what's happening now is not with a natural state of paradise we once had and lost," said Gerald Gunther, a professor of law at Stanford University. "It's been an uphill fight all the way.

"For most of our history, a very dominant part of public opinion and law enforcement have not been as tolerant of individual liberties as the Bill of Rights would indicate they should have been."

The country, in fact, began its existence with the immense contradiction of slavery and the words of the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal . . ."

"Repression now?" asks Fleming. "In any historical perspective, no. To my mind, it's a fantastic suggestion that this is a repressive era in American history. I conclude that most of the talk consists of measuring what we have now against ideals."

In the War of 1812, the New England Federalists were frequently accused of treason, Fleming noted. As the Abolitionist movement gained strength in the 1830s, its leaders were attacked and lynched. Religious persecution against the Mormons was especially vicious, and their founder, Joseph Smith, was lynched in Carthage, Ill.

"The Civil War was a particularly bad time," Fleming said. "Lincoln's record in civil liberties was probably the worst of any President. He suspended habeas corpus and the life of the Copperhead, the Southern sympathizer, in the Middle West was grave, indeed.

"Then, of course, in the 1880s, when the anarchists tried to take over they were violently suppressed. World War I vies with the Civil War for the worst suppression of civil liberties. Both the federal and the state governments took repressive measures. People were imprisoned for criticizing the war in private conversations. Then Wilson lost control of the Administration and you have (Attorney General) Mitchell Palmer's raids. That cleaned out radical movement and the IWW (International Workers of the World).

"World War II compares favorably, except for our treatment of the Japanese, who were interned, and yet that didn't become a model for repression in society as a whole.

"With the exception of the McCarthy period, there has been a real expansion of civil liberties since the Depression. I see, by the way, no similarity between what (Vice President Spiro T.) Agnew is doing and what (Senator Joseph R.) McCarthy did. One man attempted to purge the federal bureaucracy; the other urges voters to turn people out of office.

"As a matter of fact, in any past generation you wouldn't know what people meant in saying Agnew's rhetoric heated people up. I mean, in any past generation if the worst you could say about some body was that he was a radical, you'd better give up. Theodore Roosevelt's language was very vehement. He poked fun at the 'hyphenated-American,' the foreigner, and impugned his patriotism in a way that people understood. If you go back to the Jackson-Van Buren campaign or the Cleveland-Blaine campaign, why, they were absolutely scurrilous."

Harry S. Ashmore, the Pulitzer-Prize winning Arkansas editor who now is a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif., suggests a close parallel between the kind of repression that elements of the Left contend now exists and a type of repression that Southern whites experienced a few years ago.

"The Rednecks felt a degree of isolation and desperation," said Ashmore. "They felt persecuted by the Federal Government, which was insisting on integration, and they began arming themselves. The Klan literature was always saying, 'Every God-fearing white man had the right to bear arms. If the police had sold out to the nigger-lovers, well, we'd have to take that law into our own hands.'

"For a long time this was only rhetoric but then the violence began to come. Then the police cracked down, finally to the point of federal troops. A lot of whites felt the Supreme Court had abridged their constitutional rights. Gov. (Orval E.) Faubus said the integration order was null and void. And this sanctioned a lot of people's thinking they were both morally and legally wrong in acceding to the law.

"Their arguments would be very close to the one that's used today—that people have a moral right to do certain things. That's why these people were so difficult to deal with. But what happened in the end? Violence, the majority of whites concluded was intolerable. They disavowed it and the violence ended."

Some observers have noted, however, that the current period has certain significant differences from other times in American history when civil liberties were threatened. One of these differences is what might be called a revolution in rising expectations, a major change in attitudes fostered in no small measure by the Supreme Court's expansion of individual rights in recent years.

"Now we're worrying about whether the police can enter without knocking," says William Cohen, a Stanford University law professor. "Ten years ago, we worried about whether they needed any probable cause at all for arrest. Sure, things like the no-knock crime bill are important. But we're now arguing at a level of civilized police behavior that would have been unthinkable 30 years ago."

James Fisk, for 30 years a police officer in Los Angeles, agrees. Fisk, who retired as deputy police chief, is an adjunct professor of political science at the University of California at Los Angeles.

"When I came into the police department, nobody even talked about the Bill of Rights," he says. "I didn't have the faintest idea of the need for a search warrant. It used to be that the courts told us that evidence was admissible regardless of the method by which it was obtained.

"What I've seen in 30 years is an increased awareness among police officers that constitutional guarantees are superior to substantive law. The real question, however, is whether our society wants law enforcement to be constitutional."

Another aspect of the current concern over repression that sets it apart from other times in American history is the state of development in communications and data-processing technology.

The television set that brings the Vietnamese war into the living room also brings ghetto riots and campus violence. Students demanding the overthrow of the system and a President calling for law and order reached the same national audience. If the television coverage of the riots in Chicago at the time of the Democratic National Convention radicalized many youths, it hardened also the attitudes of many of their elders, who became convinced that protest was going too far.

The nearly infinite memory of the computer, with its ability for almost instant recall, for the first time has presented the nation with a possibility that a person's political and social opinions might be kept on file just as his credit rating already is. Just as a bad credit rating can prevent a citizen from engaging in a business transaction, so, civil libertarians worry, a bad social or political "rating" may keep someone out of a job—or put him in prison.

Coupled with increasingly sophisticated methods of electronic eavesdropping, the computer-based data bank may have given man, as Representative Cornelius E. Gallagher (Dem.), New Jersey, put it, "so powerful an instrument of social control that individual dreams, which become local nightmares, can now be world-wide catastrophes."

"If you're born with a television in the room, it's a state of nature to you," says former Attorney General Ramsey Clark. "If you're born with audio-surveillance in the room, you accept that, too.

"There are many tragedies to governmental wire tapping. It's far more than a dirty business. It tinkers with the foundation of individual character. If you try to sell it as morally right, you build an acceptance for it. If you try to sell its acceptance, as the Administration does, for purposes that are largely imagery, you build an acceptance for things that are essentially immoral. I don't find a history or a literature in which the eavesdropper is extolled."

A third factor that distinguishes this era, civil libertarians believe, is that repression is aimed at large cultural groups as well as at those with unpopular political views. Thus a youth with long hair, whatever his political opinions, may well feel repressed if the local authorities decide "to clear our streets of the hippie elements."

"What happened in the 1960s was a breaking up of the dominant cultural consensus," says Alan F. Westin, professor of political science at Columbia University. "We broke lose from the Puritan Protestant consensus, and driving through society came new life styles and with that a demand to be able to dress differently.

Censorship was loosened tremendously by the courts.

"Objectively, civil liberties, the right to pursue your ideas, really got greater breadth between 1960 and 1968 than in any other time in our history. But—a lot of people began exercising these freedoms and they came up against a fundamental fact. They didn't have a majority. And at this time, the dissenters began to say the whole society is rotten.

"That's what the issue of repression is all about to radicals. They say, 'To give us freedom and not make the changes that are necessary is really not to give us freedom at all.' "

AGRICULTURE CONSERVATION PROGRAM

Mr. TOWER. Mr. President, section 15 of the Soil Conservation and Domestic Allotment Act of February 29, 1936, authorized an appropriation for the agriculture conservation program in an amount not exceeding $500 million for any fiscal year.

In recent years, the Congress has authorized $220 million annually, but the 1970 program is being operated only at the $185 million level, even though $195.5 million was authorized by Congress.

The ACP is the most universally accepted of all farm programs. Nearly a million farmers participate annually in all of the 3,000 counties in the country. These farmers contribute 50 percent or more of the cost of conservation practices.

Conservation assistance has been limited to measures which farmers generally would not be likely to carry out to the needed extent without cost-share aid. Most of the practices have long-range benefits, but the immediate returns are not sufficient for the farmer to finance them on his own.

No program has done so much to benefit all the people with the amount of funds available. The ACP has spearheaded a main effort made in the protection of our environment.

Millions of tons of silt have been kept out of our rivers and lakes with the ACP assisting in 2 million water-storage reservoirs; 33 million acres have been terraced; 1 million acres of permanent sod waterways have been constructed; and vegetative cover on 769 million acres has been established.

Further, since the ACP was started, we have not experienced the dust bowl days so well remembered in the Great Plains and throughout the country.

In addition, the ACP has helped with planting 4.6 million acres of trees and improved the stand of trees on 3.8 million acres. This will help insure a badly needed supply of timber for the future, as well as convert nonproductive lands to productive uses.

The ACP has many other accomplishments, such as benefiting wildlife and improving outdoor recreation opportunities.

In 1970, the ACP has placed more emphasis on the improvement of our environment with the inclusion of more pollution abatement practices. These include the construction of diversion terraces, ditches, waterways, or dams to abate pollution and reduce erosion in critical sediment source areas, and in areas with livestock and poultry concentrations where outside water adds to the pollution problem.

In addition, assistance is given for pollution abatement systems to control and properly dispose of concentrations of pollutants in farm feedlot areas to keep our lakes, ponds, and streams clear and usable.

Both Houses of Congress have passed the USDA appropriations bill for 1971, which included an authorization for the 1971 ACP. The House bill had an authorization of $195.5 million, and the Senate bill $190 million for 1971.

This is surely a clear intent of the Congress to continue the program which is so vital to our Nation.

ACP is operated by the Agriculture Stabilization and Conservation Service. In many county offices, ACP work constitutes a tremendous bulk of their business. If there is no 1971 ACP, a minimum of 16 ACS county offices in Texas will have to be closed and a minimum of 300 throughout the Nation. One can imagine the consequences and hardships on farmers should this happen. In addition, I would think it impossible to reopen these offices once closed because of the expense involved trying to rehire personnel or find new people with adequate training and background.

Thus, I hope that Senators will join me in urging the Secretary of Agriculture to announce immediately the 1971 ACP without waiting for final action on the 1971 appropriation bill. This action has been taken in previous years and is badly needed now so that all concerned can make orderly plans for the operation of the 1971 program.

AMERICAN LEGION VOICES SUPPORT FOR POW RESCUE EFFORT

Mr. DOLE. Mr. President, Alfred P. Chamie, national commander of the American Legion, has issued a statement supporting President Nixon's decision to send a rescue force into North Vietnam for the purpose of bringing out American prisoners of war.

This statement adds another strong voice of support for President Nixon's continued effort to free American prisoners of war held unjustly in North Vietnam.

I ask unanimous consent that Mr. Chamie's statement be printed in the RECORD.

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

NEWS RELEASE OF THE AMERICAN LEGION

The American Legion wholeheartedly endorses the courageous decision of President Nixon to send a task force into North Vietnam for the purpose of attempting a rescue of our brave fighting men who are held captive by the Hanoi government. That the mission failed to achieve its desired result is unfortunate, but in no way detracts from the fact that we have now told Hanoi in no uncertain terms that we mean to have an end to their inhumane treatment of American prisoners in total disregard of the Geneva Convention.

We of the American Legion salute the President, the Secretary of Defense and, most especially the brave officers and men who carried out the daring and imaginative raid. I am certain this action, more than anything that has gone before, will serve to focus the attention of the world on the plight of American fighting men held prisoner by the North Vietnamese.

RETURNING CASUALTIES FROM THE INDOCHINA WAR DESERVE ADEQUATE MEDICAL CARE; DR. RUSK IN NEW YORK TIMES OUTLINES THE CRISIS

Mr. YARBOROUGH. Mr. President, on August 11, 1970, the independent offices-HUD appropriations bill was vetoed by President Nixon due to the alleged inflationary impact that it would have had on the economy. The veto was sustained in the House despite a valiant attempt to override it. One of the primary victims of the President's action was the Veterans' Administration which was scheduled to receive approximately $9 billion under the bill.

An informative article entitled "War's Medical Crisis" appearing in the November 15, 1970, edition of the New York Times makes clear the fact that the Veterans' Administration's 166 hospitals and 202 out-patient clinics are facing a crisis of major proportions. Unless we in Congress can persuade the Nixon administration to accept an adequate appropriation, our veterans can expect to receive less than adequate care in the months and years ahead.

We are told that the war in Southeast Asia is no longer the public's No. 1 concern, and yet every day that the conflict drags on those in need of the Veterans' Administration's services increases. Thus far there have been over 300,000 casualties of the Vietnam war, more than the total casualty list of World War I. In an age when we are inundated daily with statistics, perhaps it has become too easy for some people to ignore or forget the personal agony and human needs which underlie the casualty figures. We must not, indeed we dare not, lose sight of the fact that our wounded soldiers have made great sacrifices, and deserve the best medical care that we are capable of providing.

The improvement in the delivery of medical care that the military has been able to provide on the battlefields of Indochina has enhanced our ability to save the lives of men who have sustained what would have been fatal wounds in earlier wars. These gains must not be lost or squandered, due to an unwillingness on the part of the executive branch to approve sufficient funding for programs aimed at providing for the treatment and care of our veterans once they are evacuated to the United States. I urge my colleagues in the Congress to continue their demonstrated sensitivity to the needs of the American people by insisting that the Veterans' Administration receive the money it needs if it is to meet its obligation to our veterans.

Mr. President, I ask unanimous consent that the article by Dr. Howard A. Rusk, entitled "War's Medical Crisis," published in the New York Times of November 15, 1970, be printed in the RECORD.

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

WAR'S MEDICAL CRISIS—SOLDIERS SAVED IN VIETNAM RETURNING HOME IN NEED OF LONG, COSTLY CARE

(By Howard A. Rusk, M.D.)

Although the Vietnam casualties have been at their lowest point in five years these past few weeks, it would be tragic if the public were lulled into apathy. An enormous problem still exists: 300,000 total casualties, 100,000 seriously wounded, 25,000 severe injuries of the upper extremities.

For example, in 1968, 1,640 combat casualties with wounds of the upper extremities were treated at the Brook Army General Hospital in San Antonio. This number represented less than 8 per cent of the casualties evacuated to the United States. Most of the wounds were caused by fragments from mines, gunshot or burns. One-fourth of them involved the hands. Remarkably, 69 per cent of this group returned to duty and only 3 per cent died.

The rate of successful treatment was due largely to a new understanding reached during World War II of what can be done for the mutilating wounds of war through reconstructive plastic surgery. Eight special army centers were established in World War II to meet the needs of these patients. The best known is Valley Forge Hospital in Pennsylvania, which also operated as a specialized center during the Korean War and remains one of the primary army centers today.

NEW FIELD OF SURGERY

A new sub-specialty in reconstructive surgery of the hand has emerged from such centers. A special society has been formed to further the knowledge and service in this field. Hand surgery is one of the most difficult of surgical procedures, because of the

interacting tendons, the complexity of the nervous mechanism and the difficult circulatory problems.

The Army has been foresighted in this field and has trained enough hand surgeons to head active services in eight army general hospitals. However, they have been able to provide the total care necessary for only about 50 per cent of the patients with severe hand damage.

One reason is that beds must be made available for newly arriving casualties.

Another is that these patients cannot be kept in military hospitals for more than 12 months. Complex, long-term reconstructive cases must then be transferred to the Veterans Administration.

SIXTEEN THOUSAND SEVEN HUNDRED ARE TRANSFERRED

The administration has 166 hospitals of which 88 are associated with medical schools or teaching hospitals. From January, 1965, through September, 1970, some 16,700 patients have been transferred from the armed services to the Veterans Administration. These included more than 2,000 with spinal cord injury, 1,600 major amputees and 220 blind. There were almost 5,000 psychiatric cases.

When a patient is transferred from the armed services he is permitted to choose his V.A. hospital and usually selects the one nearest his home. Often this is an unwise choice because it is impossible to have highly-specialized, full-staff services for all types of veterans' medical problems in every hospital. It would seem that the V.A., like the military, needs specialized services in certain hospitals for those special complex problems.

At the armed services medical institutions in Vietnam, the morale of the patients is generally high. This is primarily because they feel they are "still part of the outfit."

In the evacuation chain to Japan, the Philippines or back to the United States, this feeling of belonging becomes increasingly diluted. Many casualties who are eventually referred to V.A. hospitals often want to return to the military institutions, hoping at least subconsciously to regain that sense of belonging.

Because of the life-saving helicopter evacuation techniques and excellent front-line medicine, the Vietnam War has produced the most severe disabilities with the most difficult complications and residual defects ever encountered in any war in history—men who in other wars would have died on the battlefield.

These are the men the Veterans Administration hospitals must be prepared to treat.

PAKISTAN CYCLONE AND TIDAL WAVE

Mr. PACKWOOD. Mr. President, we are all aware, I believe, of the cyclone and tidal wave which killed thousands of Pakistanis November 13, 1970, and left thousands more homeless and without food. A full-scale effort is now underway to bring desperately needed food, clothing, shelter, and medical attention to these less fortunate men of another land. It is during times such as these that I believe the United States makes excellent use of its resource and establishes much good will. In the current situation in Pakistan, I believe we are again making a worthwhile contribution. But why in the name of reason, do we insist on making a fool of ourselves at the same time? I refer to an Associated Press story run in the Tuesday, November 24, 1970, edition of the Washington Evening Star. The story said in part:

The instructions were to come forward one by one, receive a relief packet from the U. S. ambassador and shake his hand. The starving Pakistanis could not wait. In the bedlam, two refugees were slashed by rotating helicopter blades, another was hurt in a battle of rice sacks and Ambassador Joseph S. Farland retreated into a helicopter to escape the frantic mob.

Mr. President, it seems to me, at a time like this, when people are literally starving, that we could forego unnecessary and inappropriate pomp and ceremony. To make it necessary that a starving man shake the hand of some U.S. Government official before he gets his packet of food is ridiculous. That is like asking someone to shake hands with the fire chief before being pulled from a burning car.

When I contacted the State Department about this matter today, I was told that they could neither confirm nor deny that the instructions to distribute the food had included shaking hands with the U.S. Ambassador. Since the State Department seems to be having trouble deciding what the instructions are, I would like to offer two simple suggestions.

First, eliminate unnecessary and undesirable ritual associated with getting food and supplies to these unfortunate people in Pakistan; and second, proceed with due haste to make sure that food and supplies reach these people as soon as possible. It is quite possible that the American Ambassador could be used as just another worker. I think he would be appreciated more if he were.

BILINGUAL EDUCATION: POINTING THE WAY TO EQUALITY FOR THE SPANISH-SPEAKING AMERICAN

Mr. YARBOROUGH. Mr. President, a recent edition of the Center magazine contains an informative article about the true "forgotten Americans," the Mexican Americans who live in the Southwestern United States, one and one-half million of them in my own State of Texas.

By and large, this group of Americans receives substandard education, lives in substandard housing, subsist on a nutritionally substandard diet, and works for substandard wages. As the article points out, the ancestors of these people were here before the Anglos, yet their culture, their history, their contribution to our heritage are not taught in the schools.

But the most unfortunate and unnecessary barrier between Anglos and Chicanos is the linguistic barrier. In every industrialized nation in Europe, schoolchildren learn at least one language other than their own. Americans who have traveled in Europe know that there are English speakers in even the smallest villages. Yet in the Southwest, where a total of 5 million Spanish-speaking Americans live, the Spanish-speaking Anglo is the exception, not the rule. Due to cultural differences, the English-speaking American has used only his language and his way of life in the parts of the United States inhabited by Spanish-speaking Americans. Too few Mexican Americans speak English well enough to fully enjoy the advantages of our affluent society, and the Chicanos have been the ones who suffered.

Recognizing this fact, I introduced and moved through Congress the Bilingual Education Act of 1968. Delays, poor administration, and inadequate funding have prevented this program from operating as fully as it might, but, as the article indicates, the approach is a sound one.

Mr. President, I urge Members of Congress to read the article and to keep its message in mind when funding requests for my Bilingual Education Act of 1968 are presented to Congress. We have ignored the Spanish-speaking American for too long; we know too little of the language and heritage of this great people. The program which my bill has initiated will help to remedy this situation.

Mr. President, I ask unanimous consent that the article entitled "Montezuma's Children," written by Mr. Philip D. Ortego, and published in the November-December 1970 edition of the Center magazine be printed in the RECORD.

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

MONTEZUMA'S CHILDREN

(By Philip D. Ortego)

The face of Mexico is an Indian face. Traveling the length and width of modern Mexico one is more impressed by the Indian influences on Mexican culture than the European influences. The primitive pyramids of Teotihuacán are more impressive than the elegant facade of Chapultepec Castle. One is more fascinated by the legend of Ixtacihuatl than by the exploits of Cortez. Although the crown and church of Spain almost succeeded in Europeanizing Montezuma's children they were unable to convert the Indian masses into their own physical image. In our time Indian rather than Spanish blood has become a source of national Mexican pride. To be Spanish is to be a *gapuchin*, a foreigner, an oppressor, a rapist of the ancient Indian culture. To be a Mexican is to be a member of *la raza*, the race of Montezuma's children. More than two-fifths of the Mexican population are pure-blooded Indians, more than half have some Indian blood in them. Yet, despite Indian resilience, the language of the conquerors dominated.

In Mexico, where the Spanish-speaking Indian types have almost no linguistic disadvantage, they have achieved a relatively high degree of equal opportunity. However, the ten million or so of Montezuma's children who live in the United States are still struggling to overcome not only the handicap of speaking a foreign language but the social disadvantage of looking like themselves, that is Mexicans.

Only recently have Mexican Americans begun to receive significant attention in this country, though they are the second largest minority group in the nation. They constitute the single largest linguistic group. Most Mexican Americans (seven million) live in the five-state area of Texas, New Mexico, Colorado, Arizona, and California. The largest single concentration is in Los Angeles. Just as many black citizens have rejected the description of "Negro" or "Negro-Americans," many Americans of Mexican ancestry reject the hyphenated Mexican-American description by Anglos and instead prefer to be called Chicanos.

Montezuma's children are not transplanted Americans. Many of their forebears were here before the Puritans, the Pennsylvania Dutch, the Irish of Boston, the Italians of New York, or the Poles of Chicago and Pitts-

burgh. Yet Mexican Americans subsist on levels far below national norms. The reason for this, many Mexican Americans argue, is that the Treaty of Guadalupe Hidalgo in 1848 classified those who came with the conquered lands of the Southwest as a defeated people. Those who came afterward, in the great migrants of the early nineteen-hundreds, have been similarly victimized as a result of the Mexican-American War. Those who were here before the Mexican-American War have had their land rights usurped and today they have become almost strangers in their own land.

The problems of Mexican Americans relate specifically to American life, not to life in Mexico, just as the problems of Anglo-Americans relate to American life, not to life in England, whatever the linguistic ties. That many Mexican Americans do not speak English does not make them any less American. Their interests, attitudes, and aspirations differ little from those of other Americans. What conspicuously characterizes Mexican Americans is that most of them have an inadequate education, a handicap stemming primarily from socio-economic causes rather than from what educators have called the "language barrier."

The educational statistics on Mexican Americans are shocking. In the Southwest, their dropout rate is more than twice the national average. Estimates of the average number of school years completed by Anglo children in the Southwest is 12.1 years, and by black children, nine years. On the average Mexican Americans there stay in school 7.1 years. Armando Rodriguez, Chief of the Mexican American Affairs Unit for the U.S. Office of Education, has said that "the rise in cultural militancy among young Chicanos is directly related to the schools' appalling ignorance about the Mexican American and his role in the American democracy."

This ignorance is dramatically manifiested in the statistics: in Texas thirty-nine per cent of the Mexican Americans have less than a fifth grade education; Mexican Americans twenty-five years of age and older have as little as 4.8 years of schooling. Almost half of the Mexican Americans in Texas are still functional illiterates.

The percentage of Mexican American children entering first grade who know enough English to move forward with their Anglo-American peers is slight. Indeed, many never get to the first grade. Of those who do (especially along the U.S.-Mexican border), according to the first report of the National Advisory Committee on Mexican American Education, "four out of five . . . fall two grades behind their Anglo classmates by the time they reach the fifth grade." In Texas only about one-third of the five- and six-year-old Mexican Americans are enrolled in school. The National Advisory Committee notes that in some California schools more than fifty per cent of Mexican American high school students drop out between grades ten and eleven. Moreover, "although Spanish-surnamed students make up more than fourteen per cent of the public school population of California, less than one-half of one per cent of the college students enrolled in the . . . University of California are of this group."

Vicente Ximenes, former chairman of the Inter-Agency for Mexican American Affairs, has pointed out that "almost from the very beginning . . . there was prejudice and superiority in the posture of the [Anglo] pioneers from the eastern half of the land." Few Americans are aware that their brown fellow-citizens were segregated in some schools in California until 1947 and in Texas until 1948.

The long, arduous odyssey of Mexican Americans has been given little public attention. In 1940 George I. Sanchez called them "forgotten people," and at the National Educational Association meeting in Tucson in 1966 they were described as "the invisible minority." But the Chicano renaissance is changing this.

The issues in Mexican American education arise from a complex of psychosocial and cultural linguistic patterns. No one approach to the educational problem of Mexican Americans can achieve significant results. Even the linguistic disadvantages of Mexican American children are basically the product of a thoroughly lexocentric society: they are in part the result of ignorance about language and its social function, in part they arise from the distortion of Mexican American culture and history.

Existing educational programs (with the exception of pilot or experimental model programs) make no allowance for the fact that many Mexican American children come to school either knowing a fair amount of English but psychologically reluctant to use it, or knowing little English, or knowing only Spanish. Whatever the case, Mexican American children are burdened from the start by an inability to deal with the language of instruction. Often their teachers are Anglo-Americans who are not bilingual and cannot communicate to the children the lessons of first grade. First grade then becomes a sort of language laboratory in which the teacher attempts to create enough English fluency in the pupils to begin with the required instructional materials. But most first-grade teachers are inadequate; untrained in language theory and analysis, they cannot overcome the language barrier. What usually happens is that Spanish-speaking children are seriously traumatized by what too often becomes a demoralizing and degrading experience. Such courses as "Speech X" (Corrective Instruction in English Pronunciation) treat the symptoms rather than the malady.

A third-grade Mexican American boy, whose parents were born in the eastern part of the United States, was placed in an El Paso public school when his father was assigned to a nearby military base. The parents were soon advised that their son was being recommended for remedial language instruction. An investigation showed that the teacher's recommendation was based on the fact that the boy spoke an eastern dialect of American English rather than the teacher's Texas dialect. She considered the boy's speech atrocious and in need of remediation. This is the kind of "lexotherapy" many Mexican Americans are subjected to.

An editorial in *El Grito: A Journal of Contemporary Mexican American Thought*, commenting on the linguistic situation of the Southwest, said: "Almost unbelievably, [language] teaching to this day is characterized by puritanically rigid social sadism and linguistic imperialism."

What is needed—in addition to preparing teachers in linguistic principles—is training in "lexonomics," the study of linguistic social relations. As a social creature, man is also a creature of words, and therefore a "lexistent." The teacher, as the central figure in the dynamics of social relations in the schools, should comprehend the nature of language and its psychological function in human beings, especially children. Failure here is by far the greatest weakness in existing educational programs.

In practice Spanish-speaking children are frequently relegated to classes for the retarded simply because many teachers equate linguistic ability with intellectual ability. In California, Mexican Americans account for more than forty per cent of the so-called "mentally retarded." This is prima facie evidence of cultural disdain on the part of an Anglo-American educational system. Harold Howe, former United States Commissioner of Education, pointed out in an address to the National Conference on Educational Opportunities for Mexican Americans that the feeling of Anglo cultural superiority is reflected in hundreds of ways in American society and stated that "until the schools realize how our society projects this conviction of superiority, this cowboy-and-Indians mentality, and takes positive steps to correct it, they will not truly succeed with Mexican American children."

The schools have to be made aware of the part they play in promoting the myth of Anglo cultural superiority. In October of 1969, a group of Mexican Americans took over the boardroom of the Los Angeles City Board of Education to protest the assumption of Anglo cultural superiority. Walkouts have occurred in school board meetings in many communities of the Southwest. One of the issues in these walkouts is the custodial notion that emphasizes school attendance and discipline at the expense of learning. Some Mexican Americans, experiencing it, are beginning to suspect that the only reason for keeping Mexican American students in school is to improve the average daily attendance, the basis of most federal funding and support.

Based on the 1960 census, the estimated number of disadvantaged children in the nation was more than fifteen million, yet the money finally appropriated under the Elementary and Secondary Education Act, Title I, was hardly enough to provide programs for five and a half million of these children. The only thing the most school districts receiving such funds can point to are showcase programs. Some of these showcase programs are so poorly put together that one wonders how they continue to be federally funded. Nowhere among the participants is a Mexican American to be found. The same is true of the Teacher Corps program, which last year recruited sixty Anglo-American interns with only limited fluency in Spanish and not one Mexican American, for a target population of Spanish-speaking Mexican Americans. It then immersed these interns in a six-week intensive Spanish-language course.

In most of the schools of education or teachers colleges in the Southwest few, if any, Mexican Americans serve on the teaching faculties. Even fewer are represented in the decision-making for the education of Mexican Americans.

Preschool programs such as Head Start, Follow Through, and other compensatory educational efforts suffer from the assumption that all Spanish-speaking preschoolers in these programs will be fluent in English and ready to begin formal studies in English in the common and traditional education curriculum. Six months of preschool is not enough time to overcome the disadvantage of the Mexican American child. Herschel T. Manuel, of the University of Texas, one of the long-standing proponents for bilingual education, says: "The special difficulties with which we are struggling are those of children who must learn a second language outside of the home; of children who in addition suffer the disadvantages of poverty; of children who have to adjust to patterns of living in the larger community different from those of the immediate environment; and of children whose migrant parents have no secure place in the community."

Recent advances in applied linguistics have led to a curriculum heavily invested in technological hardware—tape recorders, slide projectors, special typewriters. But gadgets are only as good as the teachers who use them. Thousands of schools which acquired the technological hardware have still not significantly improved the education of Mexican Americans, nor does it appear that they are likely to.

Now there is much talk about English-as-Second-Language programs (E.S.L.) both as compensatory education and as part of experimental bilingual programs. These programs are perhaps the most meritorious effort thus far to meet the language problem. They are marred however by the insistence that to speak English with an accent is unacceptable in the United States. *El Grito* calls this "insidious arrogance," pointing out that such people as Lyndon Baines Johnson, Wernher Von Braun, Edward Kennedy, Otto Preminger, and others speak with colorful accents quite acceptable in the United States. To *El Grito* the conclusion is unequivocal: "In the United States today any accent is acceptable, except that of a Mexican American who speaks English with a Mexican accent."

In many states English is prescribed by law as the official language of instruction. Mexican American students are expressly forbidden to speak Spanish except in Spanish classes, and even then Anglo teachers of Spanish consider their Spanish tainted. The rationale behind the "no Spanish" rule is that by speaking English the students will learn English. The logic is that once a Spanish-speaking child is forbidden the use of Spanish he will then speak fluent idiomatic English like other Americans. In the *Handbook for Employees* of one Texas school district, the following admonition appears: "Use of English Language. Every effort should be made to enforce the rule that English is to be spoken in all schools and on all school grounds by pupils, custodians, lunchroom personnel, and teaching personnel except when they are teaching Spanish as a foreign language or participating in pilot projects as approved by the department of instruction. Written permission from the Texas Education Agency must be secured for any exception to this rule." Note that the "no Spanish" rule applies equally to custodians, lunchroom personnel, and teaching personnel.

Of course, the schools are right in their emphasis on English—it is, after all, the objective in the solution of the language problem of Mexican Americans. But the means used to solve this problem do not justify the ends. American education for the disadvantaged has oftentimes been a degrading experience. In many parts of the Southwest Mexican American students are still being punished for breaking the "no Spanish" rules. In Brownsville, Texas, Mexican American students have been fined for speaking Spanish in the schools. Some Southwest schools have resorted to corporal punishment for students who break the "no Spanish" rules.

Recently the "no Spanish" rules have been challenged by Mexican Americans in San Antonio and El Paso, but only after actual or threatened Mexican American student uprisings. One San Antonio school official has said that not only should Spanish be allowed in the schools but that Mexican American pupils should be "motivated to improve their fluency in standard Spanish in such conversation." This is a left-handed concession; the obvious inference is that even the Spanish of Mexican Americans is poor. The Mexican American border dialect of Spanish is thus reduced to an inferior position on someone's arbitrary linguistic scale. The truth is that there is no "standard" Spanish any more than there is a "standard" English. In Mexico alone there are almost as many dialects of Mexican Spanish as there are dialects of American English in the United States. Yet many Anglo-Americans continue to equate "good" Spanish with Castilian Spanish, lisp and all. In many schools this Castilian Spanish is being taught to Mexican American students.

In El Paso, only a threatened walkout protesting detention for speaking Spanish on the school grounds forced the school-board trustees to end the practice. Only the threat of massive protest by Mexican Americans forced educational districts of the Southwest into the twentieth century. The proposed action on the part of the National Education Association's West Coast office to decertify one El Paso high school if it continued its policy of Spanish detention helped bring the issue to a head and resolved it in favor of the Spanish-speaking student population of the city.

Though the "no Spanish" rules are slowly being eliminated, the educational systems of the Southwest are still waging a relentless campaign culturally to emasculate Mexican American youngsters. Jose becomes Joe, and Jesus becomes Jesse because Anglo-Americans find it hard to call someone by that name. Mexican American students are told they must accept and assimilate quickly into Anglo culture or face economic and financial deprivation later as adults. In effect, this is like telling the Mexican American child that there is something wrong in being a Mexican American. And though Spanish may no longer be prohibited on some school grounds, Jose has become so self-conscious about his Spanish that he is more and more withdrawn. Harold Howe puts it flatly: "It is time we stopped wasting [our linguistic resources] and instead enabled youngsters to move back and forth from one language to another without any sense of difficulty or strangeness."

About five per cent of American school children score below seventy-five on I.Q. tests and are therefore considered mentally retarded. However, thirteen per cent of Mexican American youngsters fall below seventy-five when tested. About twenty-five per cent of all children score between seventy-five and ninety on I.Q. tests, but fifty per cent of Mexican Americans fall in this range. Fifty per cent of all children score between ninety and a hundred, but only twenty-five per cent of Mexican American children score this high. Again, only twelve per cent of Mexican American children score above a hundred compared to twenty per cent of all others. The percentage of Mexican American children classified with inferior I.Q.'s is two and a half times the percentage of Mexican Americans in the population.

Those who argue against bilingual education usually point to the results of these questionable tests and measurements to support their contention about the intellectual potential and capability of Spanish-speaking Americans. On the basis of I.Q. tests in the English language (whose culture content has always been drawn from the milieu of the middle-class Anglo-American), Mexican American youngsters have been considered intellectually inferior. Only recently have educators become aware that they lack the instruments for measuring intelligence and achievement potential of Mexican Americans. Yet as long ago as 1935, Herschel T. Manuel had pointed out the deficiencies of the Stanford-Binet test in assessing the abilities of Spanish-speaking Mexican American children.

So much stress has been placed on the I.Q. by school administrators, teachers, and the public at large that as a consequence of low I.Q. scores many adult Mexican Americans have accepted and even internalized this negative appraisal. The effect on their children has been devastating. Mexican American children now face in their homes the same negative valuation they meet in the schools. Anderson and Safar raise this tragic question in presenting their research: "Are we asking too much of a child to continue working toward vague educational goals and gainful employment when most of the significant adults in his life—parents, adult friends, teachers, counselors—all evidence a lack of confidence in his ability to achieve the same goals as his Anglo classmates?" (*Sociology of Education*, Vol. 40, No. 3, Summer, 1967.)

Enlightened educators now see the distinct relationship between "retardation" and the extent of which intelligence tests require a knowledge of English. In *Pygmalion of the Classroom*, for example, authors Robert Rosenthal and Lenore Jacobson find that the I.Q. is not a true indicator of ability but simply the score of a person's intellectual performance at a given time based on background and experience. They show the nature of self-fulfilling prophecies based on the assumption of innate intellectual inequality.

If a teacher assumes and expects a child to be intelligent, the child will actually perform with greater intellectual capacity. An experiment was conducted in a community of the South San Francisco Unified School District where more than a hundred of the six hundred and fifty students were Mexican Americans. The teachers were told that on the basis of intelligence tests given during the previous year some of the students would probably show significant gain in intellectual ability during the current year. Actually, the names of these "potential gainers" had been chosen so that any difference between the "special" children and the others would be only in the mind of the teacher. The students were tested twice during the year and the "potential gainers" scored significantly higher than the others. Almost twenty-one per cent of them increased their I.Q. scores by thirty points. Almost half increased their I.Q. scores by twenty points. Nearly eighty per cent of the "potential gainers" increased their I.Q. scores by ten points, while only half of the other students experienced a similar increase. It appears, then, that a teacher's perception and expectation of her students demonstrably affect pupil performance.

The effects of environment and culture upon minority students cannot be excluded. A St. Louis cultural enrichment program succeeded in raising the average I.Q. of disadvantaged youngsters by 11.5 points in four years. But I.Q. tests as a measure of intelligence are now highly suspect precisely because of their culture content. They are therefore inconclusive as a measure of innate learning ability.

Adam Yarmolinsky pointed out in *Recognition of Excellence*: "This 'dragnet' function of testing [I.Q.] is almost completely ineffectual in a situation where a child's home and community background has denied him the cultural experience that the test assumes. Intelligence tests are standardized to a native white population. The discrepancy is particularly evident in testing children from disadvantaged ethnic minorities—not only Negroes but Puerto Ricans, American Indians, Japanese and Chinese Americans, persons from U.S. territories, and even Appalachian Mountain whites."

As a result of criticism from the Association of Mexican American Educators, the California State Board of Education created a special advisory committee to investigate charges that I.Q. tests seriously hinder some children—especially minority children—in achieving normal educational goals. (The Los Angeles school system had already banned use of group I.Q. tests in the primary grades.) The findings of the special advisory committee are startling. Mexican American children, classified as mentally retarded after I.Q. tests in English, have done remarkably better with tests in Spanish. Some of the children had spent as long as three years in special classes for slow learners simply because of low I.Q. scores. The special advisory committee found that the special classes themselves had a retarding influence. After retesting, one Mexican American student showed an improvement of twenty-eight points while the group's average rose thir-

teen points. The report of the committee asserts that Mexican American students are apparently placed in remedial classes "solely on their inability to function in what to them is a foreign language."

If the measure of intelligence is a necessary educational prerequisite, it is clear that Mexican American children who speak only Spanish or a limited amount of English should be tested for intelligence in Spanish rather than in English and with a test standardized to their population.

Many Mexican American students find that the only way to get out of a bad educational scene is simply to drop out. There are many individual reasons for dropping out. One of the principal reasons is that Mexican American youngsters tend to be overage in grade levels; given the linguistic handicaps with which they enter first grade, by the time they are able to do first-grade work, they are old enough to be in second grade. True, almost one-third of the homes and virtually all of the schools in the country are beset by the high-school dropout problem. But Mexican American children have a higher dropout rate than any comparable group in the nation.

David Gottlieb's study of the Job Corps suggests that most of the youths in the program who dropped out of school did so because they failed to find any relation between their school program and their vocational goals. This can hardly be called a lack of motivation; it is rather a lack of academic relevance.

Martin Deutsch's thesis is that "the lower-class child enters the school situation so poorly prepared to produce what the school demands that initial failures are almost inevitable, and the school experience becomes negatively rather than positively reinforced. Thus the child's experience in school does nothing to counteract the invidious influence to which he is exposed in his slum, and sometimes segregated, neighborhoods . . . . The frustration inherent in not understanding, not succeeding, and not being stimulated in the school—although being regulated by it—creates a basis for the further development of negative self-images and low evaluations of individual competencies . . . No matter how the parents might aspire to a higher achievement level for their child, their lack of knowledge as to the operational implementation, combined with the child's early failure experiences in the school, can so effectively attenuate confidence in his ability ever to handle competently challenge in the academic area that the child loses all motivation."

To keep Mexican American students in school, federal funds to states and school districts must be increased and the regulations concerning their expenditure must be made explicit. Schools must be encouraged to cooperate in federal programs for Mexican Americans. The programs should relate to the needs of the learners by taking into account their assets, attitudes, skills, personalities, and background. A new breed of teacher is needed, according to Dr. Miguel Montes, member of the California State Board of Education. Montes calls for teachers "sensitive to the many and diverse educational problems of Mexican American youth."

Finally, every school in a Mexican American community should have an educational coordinating committee composed of Mexican American teachers, parents, and civic leaders who will look into all the problems of Mexican American students, especially the dropout problem. We know the dropout cycle of Mexican Americans can be broken. "War on poverty" programs like the Youth Training and Employment Project (Y.T.E.P.) of East Los Angeles, whose primary objective is to upgrade disadvantaged Mexican American dropouts between the ages of sixteen and twenty-one, are steps in the right direction.

Considering the high dropout rate of Mexican American students, it is not surprising that there are so few Mexican Americans in colleges and universities. Only two per cent of the California state college population is Mexican American. Of these, less than one-half of one per cent go on to graduate. At U.C.L.A., there were only three hundred Mexican American students last year out of a student population of twenty-nine thousand. Out of approximately twenty-five thousand students at the University of California at Berkeley in 1966 only seventy-eight were Mexican Americans. Yet there are more than a million Mexican Americans in California alone.

Mexican Americans comprise almost half the population of New Mexico, but less than eight per cent of them attend the state universities and colleges. At the University of New Mexico, only ten per cent of the student population is Mexican American, yet they account for fifteen per cent of the freshman dropout rate and only six per cent graduate.

If higher education is to contribute significantly to the upward social mobility of Mexican Americans, then the colleges and universities must be willing to enroll them despite their previous academic records or conditions of poverty. Policies governing college admissions must be tempered with the realities of American socio-economic life. College counseling for high-school students must be strengthened. In a democracy, the university should be the last place for elitist doctrines. The groves of academe must not be allowed to become the Tuileries of an intellectual aristocracy. If a college or university helps Mexican Americans achieve vocational success, then they will have played their part in the fulfillment of the American dream.

The great educational experiment after World War II, the G.I. Bill of Rights, paid off remarkably well. Most of today's professional Mexican Americans are products of that government-financed education program. A similar program for disadvantaged minorities (in time, perhaps, for all young people) would help overcome the socio-economic plight of Mexican Americans who otherwise are not eligible for government assistance.

Some organizations like the Latin American Educational Foundation of Colorado, founded in 1949, award grants and loans to Spanish-named students of the state. But the effort is meager compared to the vast numbers of Spanish-speaking Americans who need financial assistance to get to college and to stay there.

With the help of a Ford Foundation grant, La Raza, newly formed organization of Mexican Americans, has so far parceled out money to some Mexican American students, particularly graduate students interested in going on to law school. With the help of its Legal Defense Fund, La Raza is encouraging Mexican Americans to become civil-rights lawyers; it is also providing a professional pool of Mexican American lawyers committed to the defense and advancement of Mexican Americans in civil-rights matters.

In California, the Chicano Movement advocates outright elimination of all college entrance requirements for Mexican Americans and for the establishment of a Chicano Studies Program better attuned to the needs and necessities of the Chicano community.

Most Mexican Americans see the need for the bilingual-bicultural school as the most pressing issue in Mexican American education, as well as one of the most challenging. To this end, the Bilingual Education Act, signed in January, 1968, directs the American schools to a new, bold course of education in action—bilingual-bicultural education. But the promise has been more a palliative than a true corrective.

From the beginning, the concept of bilingual-bicultural education has been confused. For example, an article on "Bilingual Education" in the *New Republic* (October 21, 1967) evoked a feedback which simply reflected the lexocentric attitude of most Americans. One response insisted that "segregating children from homes where 'Spanglish' is spoken into classes taught in any other language but English would only widen this barrier of language, not bridge it." Another respondent questioned "whether instruction in Spanish teaches a student more quickly and efficiently than instruction in English." He pointed out the linguistic success in English of Spanish-speakers who came to this country when they were ten or older. The fact is that these Spanish-speakers already had had instruction in the Spanish language, which gave them the necessary kinds of linguistic skills in one language that made the transfer process much less difficult. These are fairly typical reactions to the idea of bilingual-bicultural education, even by educated people.

What is bilingual-bicultural education? Essentially, it is teaching the non-English-speaking (or limited-English-speaking) child in his first language (not his mother tongue as it is so oftentimes erroneously called) at the same time he is introduced, via foreign-language instruction methods, to the target language, in small regulated doses at first, then in increasingly larger time units. Finally the target language becomes the medium of instruction while the child's first language becomes simply a coequal linguistic tool. The effect is to form a duly bilingual individual. Proponents of the bilingual-bicultural school argue that this kind of instruction can also be used to create bilingual Anglo-Americans.

For the first time, bilingual-bicultural education offers a Mexican American alternative to Mexican American problems. Mexican Americans are beginning to look for their salvation not in Anglo alternatives but in their own cultural identity and linguistic heritage. Biculturalism stresses the many strands of the American heritage. American history has been distorted to stress the special relationship between Americans and Englishmen. Bicultural education for Mexican Americans will illuminate the dark side of that historical moon by showing the relationship between Spanish-speaking Americans and their Spanish-speaking brethren of Latin America and Spain.

Bilingual-bicultural education is not just foreign-language teaching. It includes the whole range of academic subjects in the child's first language. It also involves acquainting the child not only with the Anglo-American part of his political identity but with the significance of his Spanish-American past.

Some progress has been made in bilingual-bicultural education. In San Antonio, the Horn Project, initiated in 1964, has grown from modest beginnings until it now instructs more than five thousand Mexican American children in grades one to four. The El Paso bilingual program, though it shows promise, has not yet expanded beyond its initial stage. Bilingual-bicultural education exists at the moment only in fourteen model programs throughout the country. This year, through E.P.D.A. programs, several hundred teachers have been recruited for training in bilingual-bicultural education. Unfortunately the ratio of Mexican American teachers selected has been small. Bilingual education requires bilingual teachers. Many of the teachers recruited for E.P.D.A. and other bilingual training programs can barely speak Spanish. When they go back to their schools, they do not change their teaching styles. Even on the staffs of many E.P.D.A. institutes, one finds only token Mexican Ameri-

can educators or workers. The directors of these institutes are almost always Anglos.

Many Mexican Americans see in the current federal programs for Mexican Americans a boondoggle for opportunistic Anglos. They see Anglos controlling the one significant Mexican American alternative to their problems. It seems strange, for example, that the twenty-eight Mexican American youngsters from a San Antonio elementary school who were selected for a bilingual demonstration program for the New York City Board of Education in its television studios, were taken to New York by an Anglo teacher. Even stranger, the director of the Bilingual Education Program of the Southwest Education Development Laboratory is an Anglo.

Mexican Americans are not saying that only Mexican Americans can teach Mexican Americans. They are saying that the employment of bilingual Mexican Americans or bilingual Anglo-Americans represents a better approach to bilingual education. However, since Mexican American children need Mexican American models in their classrooms, it makes good sense to use bilingual Mexican American teachers in preference to Anglo teachers in the primary grades.

The success of bilingual education depends upon the teacher. Current estimates place the need at one hundred thousand teachers who will be fluent in both Spanish and English. Bilingual education also calls for new teaching techniques. Language-arts programs must be redesigned for the bilingual-bicultural school.

Of course, money is the key factor. In 1968, Congress authorized thirty million dollars for the first year of the Bilingual Education Act, but it was slow in actually appropriating the money. The Bureau of the Budget recommended only five million dollars for the program. Emergency meetings by the N.E.A., its state affiliates, and concerned Mexican Americans got Congress to appropriate money for bilingual education, and at that far less than authorized or actually required.

The status of bilingual-bicultural education during President Nixon's term of office remains to be seen. Mexican American leaders hope the project will continue to be funded. In all likelihood the size of the appropriation will be token at best for the next several years. The Chicanos of La Raza are not waiting to see what happens. They are insisting on action now.

Mexican American educators see the education of Mexican American children as involving a coalition of the community and the school. Mexican American parents must be involved in the educational decisions affecting their children. The monocultural grip of school boards must yield. More Mexican Americans must become members of school boards to make the changes needed. If necessary, Chicanos insist that Mexican Americans must take the schools out of the hands of those who are academically suppressing them.

U.S. POSTURE IN RELATION TO WORLD TRADE

Mr. FANNIN. Mr. President, Congress has been asked to consider the posture of the United States in relation to world trade. This is a most complex matter that will require the best efforts of the executive and legislative portions of our Government to solve.

I think it will also require our trading partners to develop some understanding and appreciation for our domestic economic situation and the threat of high unemployment.

In my own State of Arizona, there is growing concern over the trend of manufacturers to establish full production facilities in countries outside the United States. We are especially concerned about the electronics industry.

That is why I appreciated recently the testimony of a spokesman for the consumer electronics manufacturers before the U.S. Tariff Commission on the competitive position of U.S. industries.

Mr. President, this appears to me to be a sound and well-reasoned position. The industry is not asking for protection. In the words of the witness:

> What we ask is that we be able to compete on a free and fair basis without sales at less than fair value, foreign government export subsidies or other forms of unfair competition.

He also notes that foreign governments are failing to live up to international trading agreements by throwing up barriers to American exports.

Mr. President, in order that we may all have the opportunity to examine this material, I ask unanimous consent that the testimony and accompanying exhibits be printed in the RECORD.

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

STATEMENT OF J. EDWARD DAY, SPECIAL COUNSEL, CONSUMER ELECTRONICS GROUP, ELECTRONIC INDUSTRIES ASSOCIATION, REPRESENTING CONSUMER ELECTRONICS MANUFACTURERS, BEFORE THE UNITED STATES TARIFF COMMISSION ON COMPETITIVE POSITION OF U.S. INDUSTRIES

Mr. Chairman and Members of the Commission: My name is J. Edward Day. I am a partner in the law firm of Sidley & Austin, 1625 Eye Street, N.W., here in Washington and am Special Counsel for the Consumer Electronics Group (CEG) of the Electronic Industries Association (EIA).

I am accompanied by William E. Boss, Chairman of the Board of CEG of EIA, and Vice President of Marketing of the Entertainment Products Group, Sylvania Electric Products, Inc. I am also accompanied by Charles N. Hoffman, Vice President of the EIA for the CEG. He is also the General Manager, Contract Sales, Admiral Corporation.

I appear here representing the great majority of United States manufacturers of consumer electronic products consisting of television, radio, phonographs and tape equipment. Total U.S. sales of these products, including imports, are about $4.6 billion at the manufacturer's level, of which about $2.6 billion is in television and $2.0 billion in other products.

We appreciate the opportunity to discuss with the Commission the impact of imports on the United States consumer electronics industry and hope that the information that we shall provide will be helpful to the Commission in fulfilling the difficult assignment you are undertaking. Should you desire additional information concerning our industry, please feel free to call upon me.

The Commission's "Notice of Investigation and Hearing" dated September 15, 1970, listed several areas which the Commission intends to analyze with regard to each industry being studied. My statement is designed to provide information about the consumer electronics industry in each of these areas.

The products produced by the consumer electronics industry include color and black and white television receivers, radios, radio-phonographs, phonographs, audio components and tape recorders and players. Each of these products is based on a widely known technology, available freely throughout the world. The technology changes rapidly. There has been much effort in recent years to make these products portable and more compact. Innovation is a significant competitive factor. Labor costs in the manufacture of parts and components, and in the assembly of these into the complete product, is also a significant factor influencing competition.

PERTINENT FACTS ABOUT THE U.S. CONSUMER ELECTRONICS INDUSTRY

A large percentage of the end products made and sold by the companies that we represent and of the components used in their production are of United States origin. However, a substantial percentage of both the finished products and the components are imported from abroad. There are companies of various sizes—large, medium and small—among the U.S. manufacturers of consumer electronic end products and the same is true for components.

There are now only about 15 manufacturers of television receivers in the United States compared to a total of about 50 less than 15 years ago.

The significance to the American economy of the domestic television market can be highlighted by the following comparison with other U.S. product markets:

1969 DATA (Factory sales—Estimated)	
Refrigerators	$1,100,000,000
Room Air Conditioners	750,000,000
Ranges	750,000,000
Total	2,600,000,000
Television	2,600,000,000

Ever since its start after Word War II the U.S. television set industry has been fragmented, and thus highly competitive. For the American consumer this has meant over the years better and better quality at ever decreasing prices. The industry has not needed the "price discipline" of imports. By any economic criterion the domestic industry has served the U.S. economy well.

This is reflected in the fact that in our industry prices have been going down over the years instead of up. Retail prices of consumer electronic products, even in this era of almost constant inflationary pressure, have shown dramatic decline since their first appearance in the Bureau of Labor Statistics Consumer Price Index. Using the 1957–59 standard of 100, television was 125.7 in 1951. Last year, however, the average for television receivers was 80.1. There has been a similar trend for phonographs, tape recorders and radios, with last year's average Consumer Price Index for radios being 76.5. Portable tape recorders closed last year at 91.3. These figures compare quite favorably with the rest of the Consumer Price Index which reached 127.9 in 1969. The domestic industry was experiencing this downward trend even before imports became an added factor—principally due to cost reductions made possible by advancing technology. But while improved technology is still an important factor in the downward trend of U.S. prices, the effect of unfairly competitive import pricing now plays a large part.

In efforts to try to remain competitive with Japanese import pricing in this market, many U.S. companies have within the past 10 years made extensive use of imported components and some have even used an imported end product made by a foreign manufacturer to the U.S. companies' specifications.

As a still further step to lessen the effect of imports, increasing numbers of United States manufacturers of consumer electronic products have had to resort to establishing full production facilities in countries outside the United States, principally Mexico, Taiwan, Hong Kong.

In the case of either the firm with the predominantly U.S. manufacturing base, or the firm which has trended offshore to a greater extent—and we have examples of both within the U.S. television industry—unfair Japanese competition has had and continues to have a significant adverse effect

which has operated to the detriment of U.S. industry.

My statement is largely confined to television receiving sets because the television problem with respect to imports is the most pressing one facing our industry today. Moreover, the television story is, in effect, the story for all consumer electronic products now seeking to withstand the heavy tide of imports. We think the television story is particularly appropriate to this investigation because:

(1) television is the largest and most technologically significant of all the electronic product lines classified as U.S. consumer electronic industries;

(2) the domestic television set industry is the segment of the consumer electronic business most vulnerable to import competition.

U.S. SALES AND IMPORTS OF CONSUMER ELECTRONIC PRODUCTS

I have included several exhibits which are a key part of my testimony. I will briefly discuss what they indicate.

Exhibit 1 summarizes the sales, exports, and imports of consumer electronics products between 1966 and September, 1970. The sales have increased only slightly over this period with sales for 1970 being far below those for the past several years. However, imports have increased from 9.9 percent of sales in 1966 to 21.5 percent of sales in 1969. The trend has been continuing through the end of the third quarter of this year with imports having jumped to a rate of 31.1 percent of sales through September, 1970. These percentages, which are based on dollar value of imports, are, as will be shown in summarizing other exhibits, much higher when computed for units imported. Furthermore, the percentages are lower than they would be if they reflected, which they do not, as part of dollar value, U.S. import duties, freight charges from the foreign country to the U.S. and insurance.

Exports, on the other hand, have increased from only 1.5 percent in 1966 to 2.3 percent of sales in 1969. They have continued at the 1969 rate during the first nine months of 1970. During 1969, the consumer electronic product balance of trade suffered a deficit of almost $1 billion.

I think it would be helpful to the Commission if I at this point describe the situation on a product-by-product basis. Since detailed charts are attached, I will only summarize them.

Exhibit 2 shows total U.S. sales of the various types of consumer electronic products. During the ten-year period from 1960 to 1969 sales have generally been increasing, the largest increase being that of color television receivers. While sales of color TV receivers have increased, sales of monochrome television receivers have declined somewhat. Estimates for the first nine months of 1970 indicate that sales have sharply declined during that period. Much of this, of course, can be attributed to the overall decline of the economy.

Exhibit 3 shows the sales of television receivers. Importing of receivers did not begin until about 1960. By 1969, 30.3 percent of all U.S. television receiver units sold were imported. For the first nine months of 1970, 37.8 percent of all television sales were imports. So far, import competition has been largely concentrated in smaller screen sizes of color and black and white. During the first nine months of 1970, 52 percent of total U.S. sales of black and white receivers were imports. However, import competition in larger screen sizes and in color is increasing.

Exhibit 4 shows that imports of radios did not begin to become significant until 1956. By 1964, 58.3 percent of the home radios sold in the United States were imports. By 1969 this percentage had gone up to 88.0 percent. For sales during the first nine months of 1970, imports were 91.8 percent.

Statistics relating to phonographs are provided in Exhibit 5. Imports did not begin until 1967. By 1969, 32.6 percent of the units sold in the United States were imports. For the first nine months of 1970, 38.6 percent were imports.

Finally, Exhibit 6 provides information regarding home magnetic tape recorders and reproducers. While in 1960, 71.2 percent of all units sold in the United States were imported, by 1969, 90.2 percent of the units sold were imports. The trend has continued into 1970.

The consequences of the foregoing import statistics are deeply disturbing to the U.S. television set industry as it faces the 1971's.

To domestic U.S. manufacturers it is anomalous that the U.S. television set market is strong and still growing, but their participation in their own home market is decreasing. Most industry spokesmen see a bleak future, with ever deepening erosion of their competitive capability. Thus, for example, in the first nine months of 1970 sales of U.S. made sets declined 25 percent; total imports increased 12.7 percent over 1969. The spectres of the U.S. radio, tape recorder and electronic components industries, all of which have been almost entirely displaced by imports, now loom large for television. Color television sets, a technology which only six years ago was within the exclusive domain of the U.S. manufacturers, are now being imported into this country at a rapidly accelerating rate.

Under the impact of the rise in imports, employment in the United States in producing radio and television receiving sets has decreased drastically. Department of Labor figures show that between July, 1969 and July, 1970 there was a loss of 25,000 jobs in manufacturing radios and TV receivers. Much of this loss is attributable to import competition.

CAUSES OF CHANGES IN COMPETITIVE RELATIONSHIPS IN THE U.S. MARKET

We are convinced that the principal cause of the injury to the U.S. consumer electronics industry by imports as shown by the facts and statistics I have given, is unfair pricing policies and other forms of unfair import competition.

The Treasury has made a preliminary and, in our view, entirely justified finding of dumping of television receivers from Japan. We are confident that the basis exists for a final determination of dumping. When that takes place we believe that the factual basis clearly exists for a finding of injury—not nominal or minor injury—but serious injury.

An affirmative determination of injury from dumping will establish a calculated Japanese strategy to capture a constantly increasing share of the U.S. market by dumping.

There is accumulating evidence in hand to indicate that such Japanese export strength derives from a whole array of strategies, subsidies and collective actions that constitute unfair competition within the meaning of the U.S. law and established U.S. trade policy. This evidence indicates that there are three broad categories of unfair Japanese competition:

1. Export sales to the U.S. at less than fair value.

2. Export subsidies and incentives provided by the Japanese government.

3. Japanese import and investment restrictions which protect their home market from outside competition.

I have already covered sales at less than fair value. In the area of Japanese government export subsidies and incentives the evidence is much harder to obtain and evaluate. Nevertheless, there is good reason to believe that the Japanese government

(a) remits the commodity tax applicable to domestic television sets on sets for export

(b) gives export credits up to 80% of the value of a shipment, at low interest rates

(c) permits accelerated depreciation for tax purposes on investment in plants manufacturing for export

(d) subsidizes research and development in consumer electronics. Thus, for example, a recent report from Osaka indicates that sixteen Japanese electronics firms are jointly working on development of an all integrated-circuit 19 inch color television set

(e) provides insurance for export advertising sales campaigns that fail to meet sales targets

(f) sponsors or encourages Japanese trading companies engaged in export sales

(g) acting through the Bank of Japan, allocates investment funds to plants and facilities with the greatest export potential

(h) acting through the Ministry of International Trade and Industry (MITI), encourages export cartels which sell at administered prices

(i) finances overseas joint ventures by manufacturers

(j) makes possible special reduced ocean freight rates for shipments to the United States.

We regard the foregoing list of Japanese government export subsidies and incentives as incomplete, both in number and in specific detail. However, it serves as a general indicator of a course of pervasive government-industry cooperation to exploit Japan's full export potential in consumer electronics.

Despite being a signatory to the General Agreement on Tariffs and Trade (GATT) Japan has notoriously pursued a policy of insulating its economy from import competition in certain key industries, including electronics, and from private foreign investment. At the same time, however, the Japanese government actively encourages private investment in foreign businesses.

A host of obstacles, official and unofficial, confront the U.S. television manufacturer who may wish to export into the profitable Japanese home market. Not only would he have to satisfy a variety of overt import regulations at the outset, but he also would have great difficulty in following up those shipments with necessary replacement parts. Nor could he, as a practical matter, obtain distribution outlets within the closed Japanese marketing system. In contrast to the preferential export credit terms granted by the Japanese government, import financing is severely restricted.

CONCLUSION

We have not asked for and do not ask at this time for import quotas or other protectionist measures. What we ask is that we be able to compete on a free and fair basis without sales at less than fair value, foreign government export subsidies or other forms of unfair competition.

We urge this Commission, to the extent of its own enforcement powers and by recommendations to the Administration and to other Federal agencies, to leave no stone unturned to locate, publicize and to put an end to all instances of unfair import competition.

EXHIBIT 1.—TOTAL U.S. SALES, EXPORTS, AND IMPORTS OF CONSUMER ELECTRONIC PRODUCTS

[In thousands of dollars]

	1966	1967	1968	1969	1st 9 months 1970
Sales	4,400,000	4,304,000	4,630,000	4,624,000	2,633,000
Export	64,562	64,494	85,223	106,587	60,483
Imports	435,430	454,144	711,732	995,952	818,412
Balance of trade	−370,868	−389,650	−626,509	−889,365	−757,929
Exports as percent of sales	1.5	1.5	1.8	2.3	2.3
Import as percent of sales	9.9	10.6	15.4	21.5	31.1

Source: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 2.—TOTAL U.S. SALES OF CONSUMER ELECTRONIC PRODUCTS

[In millions of dollars]

Category	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1st 9 months 1970
Monochrome TV receivers	$750	$758	$851	$841	$896	$910	$756	$555	$591	$554	$329
Color TV receivers	47	56	154	258	488	959	1,861	2,015	2,086	2,031	1,072
Radios	190	190	207	179	267	328	346	333	371	422	247
Auto radios	154	134	181	206	205	248	267	259	330	316	231
Phonographs	359	304	389	421	440	505	528	480	503	490	232
Tape equipment [1]	21	75	81	110	135	170	159	181	225	278	240
Electronic organs [1]	([2])	51	56	94	97	103	94	90	101	92	
Other electronic musical instruments [1]	12	16	19	24	27	42	39	36	37	40	
Electronic kits [1]	([2])	29	31	37	34	35	41	40	46	44	282
Hearings aids [1]	([2])	38	38	35	37	36	37	35	36	37	
Other consumer products, nec [1]	272	157	183	198	215	241	272	280	304	320	
Total electronic	1,805	1,808	2,190	2,403	2,841	3,577	4,400	4,304	4,630	4,624	2,633

[1] Estimated.
[2] Included in "other consumer products, nec."

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 3.—TOTAL U.S. SALES OF TELEVISION RECEIVERS (MONOCHROME AND COLOR)

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1946	6	1,000					6	1,000
1947	179	50,000					179	50,000
1948	970	226,000					970	226,000
1949	2,970	574,000					2,970	574,000
1950	7,355	1,397,000					7,355	1,397,000
1951	5,312	944,000					5,312	944,000
1952	6,194	1,064,000					6,194	1,064,000
1953	6,870	1,170,000					6,870	1,170,000
1954	7,410	1,042,000					7,410	1,042,000
1955	7,758	1,078,000					7,758	1,078,000
1956	7,451	980,000					7,451	980,000
1957	6,473	868,000					6,473	868,000
1958	5,131	720,000					5,131	720,000
1959	6,368	843,000					6,368	843,000
1960	5,822	796,750	5	2	7	250	5,829	797,000
1961	6,292	813,000	10	13	23	1,000	6,315	814,000
1962	6,975	994,000	21	138	159	11,000	7,134	1,005,000
1963	7,592	1,076,000	174	217	391	23,000	7,983	1,099,000
1964	9,049	1,345,000	383	332	715	39,000	9,764	1,384,000
1965	10,399	1,809,000	704	344	1,048	60,000	11,447	1,869,000
1966	11,190	2,502,000	1,011	513	1,524	115,000	12,714	2,617,000
1967	9,950	2,445,000	903	711	1,614	125,000	11,564	2,570,000
1968	10,501	2,473,000	1,249	1,461	2,710	204,000	13,211	2,677,000
1969	9,273	2,290,000	1,622	2,373	4,035	295,000	13,308	2,585,000
1st 9 months 1970	5,304	1,201,000	1,224	1,995	3,219	225,000	8,523	1,427,000

[1] Estimated.
[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Source: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 4.—TOTAL U.S. SALES OF RADIO (EXCLUDING AUTOMOBILE)

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1950	9,216			2	2		9,218	
1951	6,440			5	5		6,445	
1952	7,220			12	12		7,232	
1953	7,258			25	25		7,283	
1954	6,064			55	55		6,119	
1955	7,186		1	140	141		7,327	
1956	8,347		4	600	604		8,951	
1957	8,941		11	1,000	1,011		9,952	
1958	8,204		23	2,570	2,593		10,797	
1959	9,896		51	5,825	5,876		15,772	
1960	10,410		103	7,518	7,621		18,031	190,000
1961	11,295		295	12,064	12,359		23,654	190,000
1962	11,453		358	12,970	13,328		24,781	207,000
1963	9,819		620	13,163	13,783		23,602	179,000
1964	9,819	171,000	1,017	12,722	13,739	96,000	23,558	267,000
1965	12,062	198,000	1,750	17,877	19,627	130,000	31,689	328,000
1966	9,829	191,000	4,639	20,311	24,950	155,000	34,779	346,000
1967	8,105	170,000	4,463	19,116	23,579	163,000	31,684	333,000
1968	5,976	146,000	5,584	22,662	28,246	225,000	34,222	371,000
1969	4,737	116,000	5,663	29,014	34,677	306,000	39,414	422,000
1st 9 months 1970	2,020	31,000	3,861	18,885	22,746	218,000	24,766	249,000

[1] Estimated.
[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 5.—TOTAL U.S. SALES OF PHONOGRAPHS

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1946	3,932	216,000					3,932	216,000
1947	4,206	300,000					4,206	300,000
1948	3,056	207,000					3,056	207,000
1949	2,002	115,000					2,002	115,000
1950	1,260	122,000					1,260	122,000
1951	1,549	65,000					1,549	65,000
1952	1,350	51,000					1,350	51,000
1953	1,605	58,000					1,605	58,000
1954	2,683	82,000					2,683	82,000
1955	2,627	99,000					2,627	99,000
1956	3,788	140,000					3,788	140,000
1957	4,658	240,000					4,658	240,000
1958	3,973	259,000					3,973	259,000
1959	4,304	339,000					4,304	339,000
1960	4,523	359,000					4,523	359,000
1961	3,989	304,000					3,989	304,000
1962	4,954	389,000					4,954	389,000
1963	5,142	421,000					5,142	421,000
1964	5,159	440,000					5,159	440,000
1965	6,130	505,000					6,130	505,000
1966	6,303	528,000					6,303	528,000
1967	4,662	446,000	749	1,215	1,964	34,000	6,626	480,000
1968	4,366	466,000	1,101	1,028	2,129	37,000	6,495	503,000
1969	4,257	446,000	708	1,355	2,063	44,000	6,320	490,000
1st 9 months 1970	2,337	207,000	284	1,186	1,470	36,000	3,807	243,000

[1] Estimated.

[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 6.—TOTAL U.S. SALES OF HOME MAGNETIC TAPE RECORDERS AND REPRODUCERS

[In thousands]

Year	Factory sales (manufactured in United States)		Imports		Total imports		Total U.S. sales	
	Units	Amount	Domestic label (units)	Foreign label (units)	Units	Amount [1]	Units	Amount
1960	85	$8,566	15	195	210	$6,068	295	$14,634
1961	366	38,551	23	777	800	15,554	1,166	54,105
1962	441	44,628	25	1,209	1,234	13,385	1,675	58,013
1963	459	51,617	29	2,353	2,382	27,665	2,841	79,282
1964	486	59,494	35	3,040	3,075	37,510	3,561	97,004
1965	653	80,646	100	2,692	2,792	41,626	3,445	122,272
1966	868	65,621	265	2,542	2,807	47,733	3,675	113,354
1967	783	56,719	557	3,223	3,780	72,583	4,563	129,302
1968	659	49,552	674	4,240	4,914	110,262	5,573	159,814
1969	676	55,723	825	5,428	6,253	142,743	6,929	198,466
1st 9 months 1970	278	24,464	928	4,672	5,600	141,232	5,878	165,696

[1] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Source: U.S. Department of Commerce, Foreign Trade Sources (1960-67), Electronic Industries Association Marketing Services Department.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement of yesterday, the Senate will now go into executive session, and, with one vote, proceed to vote on four resolutions of ratification, with each vote set out separately after each resolution of ratification. The tax conventions are as follows: Executive G (91st Cong., first sess.), Tax Convention With the Netherlands; Executive D (91st Cong., second sess.), Tax Convention With Trinidad and Tobago; Executive E (91st Cong., second sess.), Tax Convention With Finland; and Executive I (91st Cong., second sess.), Tax Convention With Belgium.

The clerk will call the roll.

The assistant legislative clerk called the roll.

EXECUTIVE G—TAX CONVENTION WITH THE NETHERLANDS

Resolved, (two-thirds of Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Estates and Inheritances, signed at Washington on July 15, 1969, and the related Protocol signed on the same date. (Executive G, 91st Congress, first session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announced that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS, and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator From California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 398 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE D—TAX CONVENTION WITH TRINIDAD AND TOBAGO

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and Trinidad and Tobago for the Avoidance of Double Taxation, the Prevention of Fiscal Evasion with respect to Taxes on Income, and the Encouragement of International Trade and Investment, signed at Port of Spain on January 9, 1970 (Executive D, 91st Congress, second session), subject to the following reservation:

"The Government of the United States does not accept Article 7 of the Convention relating to tax deferral for technical assistance."

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 399 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting have voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE E—TAX CONVENTION WITH FINLAND

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Property, signed at Washington on March 6, 1970 (Executive E, 91st Congress, second session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 400 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE I—TAX CONVENTION WITH BELGIUM

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Brussels on July 9, 1970. (Executive I, 91st Congress, second session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 401 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

U.S. DISTRICT COURT

Mr. MANSFIELD. Mr. President, I call up some nominations that are at the desk, which were reported earlier today. I understand they have been cleared all around.

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk read the following nominations:

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona;

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas;

Robert M. Hill, of Texas, to be a U.S. district judge for the northern district of Texas;

William M. Steger, of Texas, to be U.S. district judge for the eastern district of Texas;

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas; and

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the district of Puerto Rico.

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

The PRESIDING OFFICER. 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 PRESIDING OFFICER. 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.

DISTINGUISHED MILITARY CAREER OF A WASHINGTONIAN

Mr. MAGNUSON. Mr. President, recently, a young constituent of mine has returned to Vietnam for his third tour of duty. Capt. James E. Elliott is a resident of Spokane, Wash., and has had an extremely illustrious military career. Jim should be commended for his dedication to duty, and his deep desire to return the men he serves safely home.

Captain Elliott was born and raised in Spokane, Wash., and attended the University of San Francisco before being commissioned into the Army in October 1966. He attended flight school and became a very fine helicopter pilot.

Captain Elliott currently holds the Distinguished Flying Cross, Soldier's Medal for Valor, two Bronze Stars, the Purple Heart, Air Medal with 36 clusters and the Army Commendation Medal. Unfortunately, Captain Elliott was injured in his last tour of duty while flying troop carriers and gunships in the Mekong Delta, but after several months hospital confinement has recovered and chosen to return to Vietnam.

Captain Elliott has demonstrated his desires and dedications through intensive and self-sacrificial actions. I commend Capt. James Elliott.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON MONDAY, NOVEMBER 30, 1970

Mr. MANSFIELD. Mr. President, an order has been entered under which, when the Senate completes its business today, it will stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, and after the disposition of the reading of the Journal, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 20 minutes.

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

FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1380, H.R. 17867. I do this so that the bill will become the pending business for Monday.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be stated by the title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

NORTH DAKOTA STATE UNIVERSITY VERSUS UNIVERSITY OF MONTANA

Mr. YOUNG of North Dakota. Mr. President, I am exceedingly proud, as all North Dakotans are, of our North Dakota State University Bison football team. They continue to compile a phenomenal winning record in one of the toughest small-college conferences in the Nation, the North Central Conference.

Members of the Senate, particularly those who are football fans, will remember that the Bison were acclaimed as the small-college team of the year for 1969 and that their coach, Ron Erhardt, was accorded honors equal to those received by Darrell Royal, coach of the University of Texas Longhorns, the major college team-of-the-year.

Mr. President, this year NDSU Bison

will again play the University of Montana in the Camellia Bowl, on December 12 at Sacramento, Calif. Last year, the distinguished majority leader of the Senate will recall, North Dakota defeated this same Montana team 30 to 3 in the Camellia Bowl. I am looking forward to this rematch, as I am sure the majority leader is.

The Bison of my State have the longest unbeaten record of any college or university in the Nation. They have not been beaten for the last 29 games, although they were tied once this year. It has been 33 games since they were beaten on their home field at Fargo, N. Dak. They have either won outright or shared their conference championship for the last 7 consecutive years.

The Bison have played in bowl games 5 out of the last 6 years, and won all but one of these. This year will be their seventh bowl game in 8 years. They have been ranked in the top of the small-college teams in the Associated Press and United Press International standings for the last 6 years and in 3 of those years were the national champions of the NCAA college division. Currently they are ranked third in the AP poll and fourth in the UPI poll.

Mr. President, while football victories by themselves are something to be proud of, I want to commend North Dakota State University, its coaching staff and its outstanding players for the wholesome influence they have had on young people all over our State and the Nation. This University has had no unfortunate campus incidents or disturbances which have been characteristic of some of the larger and more famous universities across the country. I am extremely proud of this fact, in addition to being proud of this football team. Their coach is a North Dakotan and most of their players are from North Dakota, or nearby Minnesota—many of them with farm backgrounds. They are an outstanding group.

While I achieved no records or performed no heroics like the Bison of recent years, I do want my colleagues to know that I attended North Dakota State University and played football there, too. In fact, football was once about the most important thing in my life.

In closing, I want to extend my warmest congratulations once again to the North Dakota State University and its football team. Too, I would accept any reasonable challenges from my colleagues concerning the outcome of the Camellia Bowl game on December 12.

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

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. Mr. President, I enjoyed listening to the speech of the distinguished Senator from North Dakota until he got to the last line. What does he wish to wager?

Mr. YOUNG of North Dakota. The Senator from Montana will recall that at one time we had a great many jack rabbits, and now they are very scarce. They are so fast that even one coyote cannot catch them. It takes two coyotes to catch a jack rabbit. I suggest that the loser present the winner with a live jack rabbit, and he has to catch it himself. [Laughter.]

Mr. MANSFIELD. Done.

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

Mr. YOUNG of North Dakota. I yield.

Mr. METCALF. Considering the way the senior Senator from Montana ran in the last election, I think he can catch a jack rabbit. (Laughter.)

Mr. MANSFIELD. I doubt it.

Mr. YOUNG of North Dakota. I think my good friend the junior Senator from Montana is right. He runs scared like a rabbit and as fast.

Mr. METCALF. I congratulate the Senator from North Dakota on his statement. However, it contains much more bombast and less reason than he usually presents on the floor of the Senate. I suggest that the Montana football team is just waiting for this opportunity to cut out the distinguished winning record of the North Dakota team.

Last year, North Dakota University sneaked up on the University of Montana, but we are aware and alert and ready, and the Camellia Bowl on December 12 is going to be another story this year so far as the University of Montana is concerned.

Mr. YOUNG of North Dakota. Montana does have a very tough team. This will be a tough battle, and it will be so good that I think I will go to see it.

Mr. MANSFIELD. I am trying to figure out in which county I will chase that jackrabbit if I happen to lose. But I do not intend to lose this bet.

It is true that North Dakota defeated Montana last December in the Camellia Bowl in Sacramento; but, as I recall, we played without the assistance of seven or eight transfers who were ineligibile because of the rules regulating that game. This year we are not faced with that handicap.

May I say that, apart from the North Dakota game, the University of Montana Grizzlies—they have a patent on that name; others have tried to steal it, such as UCLA and a few others—also have an unbroken record of 10 won last year, none lost; this year, 10 won, none lost.

May I say, further, that this is the second Montana team this year to appear in a bowl game, because on November 14, the School of Mines, now known as Montana Institute of Technology and Science, appeared in the first bowl game of the season in Butte, the Copper Bowl, and there defeated Yankton, S. Dak., a very good small college team, by a score of 21 to 8. So now that we have disposed of South Dakota, we will be ready for North Dakota next month.

Mr. YOUNG of North Dakota. I am pleased the Senator's old school won its game, but not Montana in its game with North Dakota State. We have some new players that I think will do the job.

IN PRAISE OF EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR HELD IN NORTH VIETNAM

Mr. THURMOND. Mr. President, I rise to express my deep admiration for the men at all levels of Government and in the military who had any part in the effort last week to rescue American prisoners of war held in North Vietnam.

Every man in this all-volunteer military force which executed this raid should be decorated for their outstanding exhibition of courage and gallantry. They went into the enemy's lair, 20 miles from Hanoi, knowing full well their lives could easily be lost. They offered their lives to save the lives of our POW's who are dying in Communist POW camps. They executed this hazardous mission with only one minor personal injury. They should have medals as an expression of this Nation's gratitude for their heroism. It is appalling to me that any Member of the Congress should term this effort as "faulty in concept and faulty in execution" as one has done.

Besides the courage of the military personnel employed in this effort, we should also recognize the courage of President Nixon and Secretary Melvin Laird in making the final decision to authorize this raid. This decision took the same kind of courage we saw demonstrated when United States and South Vietnamese forces drove into Cambodia. Who today can say the Cambodian operation has not saved thousands of lives of servicemen in South Vietnam? The Cambodian operation has reduced the tenor of the war to where our casualties are the lowest ever and the need for heavy combat does not exist.

Mr. President, when I hear and read about the howls of the critics of this raid it makes me wonder what adjectives they would be using if the some 70 prisoners previously held there had not been moved. Think of the impact upon this country if we could have brought these men home to their wives, children, and loved ones.

The relatives of our POW's certainly had a big stake in this raid and their telephone calls and telegrams to the President and Secretary Laird supporting this action leaves no doubt as to where they stand.

Critics say the raid was "futile," "showed our intelligence was a failure," and "jeopardized negotiations for a peaceful settlement of the war." Let us look at these criticisms.

Mr. President, they say it was futile because it failed. There is never a guarantee of success in a military operation. We have no visiting privileges at these POW camps in North Vietnam. Would it have been futile if it had succeeded? Most assuredly not. It would have been hailed as an outstanding success. Evidence given to the Congress shows the raid was planned carefullly and executed flawlessly. These critics do not understand military operations. Every military move is dangerous and results often depend upon factors over which we have no control.

The critics also say the fact that the prisoners had been moved shows our intelligence was weak. As Secretary Laird stated, we cannot look through the roofs of prison cells. The Communists move these prisoners around. They had been there only a few weeks ago. Other factors which cannot be disclosed favored this particular camp as the place to

make the raid. Some seem to forget the Communists' constant violation of many rules of the Geneva Convention when it comes to prisoners. We have no precise knowledge on our POW's, we are dealing with a closed society.

Finally, the critics say this raid jeopardizes chances for a negotiated settlement of the war. This is really a rejection of reality. We have been at the peace table for 2 years, made hundreds of concessions and the only real agreement reached to date has been the shape of the table.

Even some understandings between the two sides have not really been understandings because the Communists have repeatedly violated them. Even our efforts on behalf of our POWs have been summarily rejected because the Communists know we value so highly each human life. They therefore hold onto these men as pawns in their insidious campaign to overthrow the other nations of Indochina.

Mr. President, we had to make this effort in behalf of these POWs, most of whom have been held from 3 to 5 years. Reports have reached us that 17 have died in recent months. Those surviving deserve every effort we can make. Additional efforts should be made.

This daring raid fills me with pride. I say "God bless you" to every man who had anything to do with it.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram to me from A. W. Stewart, president of the Southern States Industrial Council, Nashville, Tenn., commending the President's action in authorizing this effort to rescue our prisoners of war.

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

NASHVILLE, TENN.,
November 25, 1970.

Senator STROM THURMOND,
U.S. Senate.

The Southern States Industrial Council strongly commends the President's action in authorizing an effort to rescue American servicemen held captive by North Vietnam.

The military leaders who planned the raid and the brave servicemen who volunteered for this daring and dangerous mission deserve the applause and appreciation of their countrymen.

The Council believes that this hold raid is in the highest tradition of the U.S. Armed Forces. While it is regrettable that American captives had been removed from the Communists' Prisoner of War Camp, the raid clearly indicates the concern of the U.S. Government for the soldiers, sailors and airmen who are held by North Vietnam and exposed to barbaric treatment.

American servicemen in Communist prison camps often seem forgotten men, but the action of the U.S. Government in the raid on Son Tay Prison Camp shows that our Commander in Chief is keenly aware of the Nation's solemn obligation to its citizen soldiers and that other Americans are willing to risk death or imprisonment to free their comrades in arms from brutal Communist captivity.

Sincerely,

A. W. STEWART,
President, Southern States Industrial Council.

DAVID LAWRENCE'S COLUMN ON THE SEATING OF RED CHINA

Mr. THURMOND. Mr. President, there has been a lot of loose talk lately about the "reality," so called, of recognizing Red China, or at least seating Red China in the United Nations alongside or in place of the legitimate holder of the Chinese seat. If those who are talking about such reality want to remain in touch with the real world, they should take a look at the purpose of the U.N., and at the policies of Peking. The U.N. is supposed to a body of "peace loving" nations. It was never intended to include all the nations in the world. Much of the work of the U.N. as a peacemaking body has failed because it already includes too many nations who have no interest in peace.

As columnist David Lawrence pointed out in his column in the Evening Star on November 23, Peking has been a key factor in the Communist aggression against South Vietnam. We know that Red China has played a military role there. It has helped block the attempts of the South Vietnamese to attain independence. As Mr. Lawrence says:

The Peking government has been responsible for the loss of numerous American lives in Vietnam.

Surely no prudent consideration would ever allow us to acquiesce in the seating of Red China in the U.N. Indeed, if such ever happens, then Congress should rise up to block any appropriations in support of the U.N.

Mr. President, I ask unanimous consent to have the column by David Lawrence, "Why U.S. Silence on Seating Peking," printed in the RECORD.

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

[From the Washington Evening Star, Nov. 23, 1970]

WHY U.S. SILENCE ON SEATING PEKING?

(By David Lawrence)

While the American people have been reading in recent days about the efforts of backers of Red China to obtain a seat in the United Nations for the Peking regime, the administration lost an opportunity to tell the world what the real issue happens to be. On the ballot this year for the admission of Red China, there were 51 affirmative votes in the general Assembly, with 49 against and 25 abstentions. This was a majority for Peking but not the necessary two-thirds.

All through the discussions of the last several weeks about the upcoming vote, the United States remained virtually silent. The fact that it is opposed to the admission of Red China is well known, but the mystery is why the Washington government did not speak out and disclose what Red China has done in the past seven years as an adversary of the United States in Southeast Asia. The Communist Chinese have sent to the North Vietnamese arms and supplies and have provided other forms of assistance in carrying on the war. The Peking government has been responsible for the loss of numerous American lives in Vietnam. It continues to support North Vietnam and, along with the Soviet Union, prevents a peace agreement from being reached.

Under these circumstances, is a government entitled to admission to the U.N.? Should Peking be given the seat of Nationalist China in the face of Red China's encouragement of aggression by North Vietnam against South Vietnam and the help given attacks on troops of the United States?

Surely the Defense Department and the American intelligence services have plenty of information about the part that Red China has played in the Vietnam war from the beginning. It has helped to block the attempts of the South Vietnamese people to maintain their independence.

The charter of the United Nations states as one of its purposes: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples."

Most countries throughout the world know that Red China has played a military role in Southeast Asia. Yet the mobilization of 51 votes in favor of its admission to the United Nations is in a sense a blow at American policy in Southeast Asia. It indicates that many of the nations are not concerned with what Red China has done and that the misdeeds of the Communist regime in Peking are being disregarded.

Fortunately, it had been decided that a two-thirds vote was necessary for Peking to get a seat in the United Nations. But the fact that an actual majority was lined up—something that has not happened in the previous 19 times the question has arisen—is an ominous piece of news, particularly for the small countries of the world, so many of which helped to make up the 51 votes that went to the Peking side last week. For if the principle of self-determination is abandoned, might will seem to make right and ambitious governments will feel free to take over other countries without fear of interference.

The Vietnam conflict may seem to many people to be an irrelevant war, but actually it involves a matter of major importance to the future of world peace. Unless nations are able to get the help of free countries when they are victims of aggression or when they are threatened with invasion by imperialistic governments, they cannot retain their independence. The United Nations then becomes meaningless, as a protector.

Today the United Nations is obviously weak, and only special alliances with free nations are safeguarding various countries. There is hope that the United Nations some day will be rebuilt and will have a strong enough spirit to take collective action to prevent war. But this will not be accomplished by awarding a seat to Red China, which has been intervening in the internal affairs of other countries and has assumed a belligerent attitude on the side of North Vietnam.

Now is the time for a complete exposure of what has been happening with respect to Communist China, so that the people of the world will be advised of the facts. The smaller nations in particular will possibly come to realize that seating an aggressor regime in the United Nations is not, in the long run, going to be helpful to the cause of independence in any hemisphere.

MILITARY CONSTRUCTION APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of November 24, 1970, page 38750, CONGRESSIONAL RECORD.)

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE N, 91ST CONGRESS, SECOND SESSION, A TREATY ON EXTRADITION BETWEEN THE UNITED STATES AND SPAIN

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive N, 91st Congress, second session, a treaty on extradition between the United States and Spain, signed at Madrid on May 29, 1970, transmitted to the Senate today by the President of the United States, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The text of the President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty on extradition between the United States and Spain, signed at Madrid on May 29, 1970.

The treaty, the third of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and Spain and adds the offense of aircraft hijacking and a broad category of narcotic offenses, including those involving hallucinogenic drugs.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the treaty.

I recommend that the Senate give early and favorable consideration to the treaty, and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

MILITARY CONSTRUCTION APPROPRIATIONS, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MANSFIELD. Mr. President, the conference report calls for a military construction appropriation for fiscal year 1971 in the amount of $2,037,814,000. This amount is $96,986,000 below the budget as submitted in January. The bill, as approved by the committee of conference, is $40,777,000 above the House bill and $20,057,000 under the Senate-passed bill.

At this point, I would like to detail briefly the amounts approved for each of the military services.

The Department of the Army received $646,958,000, an increase of $9,049,000 above the House bill and $7,038,000 below the Senate version.

The Department of the Navy received $302,483,000, an increase of $16,811,000 above the House bill and $7,068,000 below the Senate.

The Department of the Air Force received $284,147,000, an increase of $15,316,000 above the House bill and $8,262,000 below the Senate.

The committee of conference agreed on a figure of $806,464,000 for family housing. This figure includes maintenance and operation, debt payment for Department of Defense housing mortgages, and new construction.

Mr. President, there is one section of this report that I would especially like to emphasize and that is in connection with the Department of Defense aid to communities that will bear the impact of the construction of the antiballistic missile sites in Montana and North Dakota.

Earlier this year, Public Law 91–511 was enacted which authorized construction of military installations and for other purposes. In that measure, the Secretary of Defense was authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, N. Dak., and Malmstrom Air Force Base, Great Falls, Mont., in meeting the costs of providing increased municipal services and facilities to the residents of such communities where there is an immediate and substantial increase in the need for such services and facilities as a direct result of the establishment of the safeguard antiballistic missile system in these areas. It was intended by that law that no unfair or excessive financial burden should be incurred by these communities as a result of the safeguard construction and installation.

I ask unanimous consent to insert in the RECORD at this point the pertinent provisions—section 610 of Public Law 91–511.

There being no objection, the section 610 of Public Law 91–511 was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 91–511

An act to authorize certain construction at military installations, and for other purposes

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System, and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for the fiscal year beginning July 1, 1970, for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs. Funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard Anti-ballistic Missile System may, to the extent specifically authorized in an annual military construction authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

Mr. MANSFIELD. Mr. President, I am pleased to report that in this conference report of the Appropriations Committees of the House and Senate, there is provided the necessary funding to carry out the provisions of the military construction authorization measure.

It was clearly recognized by the conference committee that the severe impact of safeguard operations on the surrounding communities will require significant assistance from the Federal Government through the Department of Defense and other related Federal agencies. I point out that something between $12 and $14 million have been made available to the Secretary of Defense for this purpose. I ask unanimous consent to

have printed in the RECORD at this point the specific language from the conference report which bears on this matter.

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

CONFERENCE REPORT ON H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS 1971

The House approved a total of $357,000,000 for Safeguard construction, exclusive of $8,800,000 specifically provided for family housing. Within this sum, it approved $27,400,000 for planning and engineering design based on the need to do complete design of the Whiteman site as well as advance planning for five additional sites, including one near Warren Air Force Base. Subsequently, the Senate recommended deferring such advance planning, except for the Warren site, and reducing the planning funds by $12,000,000. However, in recognition of the severe impact of Safeguard operations on surrounding communities and their abilities to provide public facilities and services, the Senate recommended that the $12,000,000 no longer required for advance planning be appropriated for use by the Department of Defense to assist such communities through existing Federal aid programs to meet the additional costs of providing increased public facilities and services required as a direct result of construction, installation, testing, and operation of Safeguard sites.

The primary purpose of the Senate recommendation was to provide some relief to such communities from an unfair and excessive financial burden which would be incurred as a result of the sitting of Safeguard installations in their areas.

After a careful study of this matter, the House conferees have agreed to the Senate proposal with the following important considerations. In view of the transitional nature of a large portion of the additional population to be supported by the adjacent communities, the conferees feel that, to the extent they may be practicable, the use of temporary or relocatable facilities to meet temporary peaks should be encouraged within the communities.

In recognition of the uncertainty at this time as to the scope and costs of the facilities to be assisted through this program, and to provide some needed flexibility, the conferees expect that in no event shall expenditures for such assistance exceed a ceiling of $14,000,000 unless prior approval of the Committees on Appropriations of the Senate and House of Representatives has been obtained.

Mr. MANSFIELD. Mr. President, it is clearly the intent of Congress, as indicated in this measure, and the authorization bill which preceded it, that the Secretary of Defense should assume the responsibility and take necessary aggressive action to assist these communities in assimilating the safeguard system in their areas and to prevent an unfair burden falling on the taxpayers of these small towns.

Under the language of this report, it is clearly within the authority of the Secretary of the Army to expend funds which are provided by this act for such items as sewage, water, schools, health needs, and other municipal facilities which may be required. Specifically, assistance should be provided in the maintenance and construction of highways which lead to the missile sites. I have in mind FAS 417, between Shelby and the ABM sites, and FAS 225, commonly known as the "Bootlegger Trail," between Great Falls and the safeguard locations. The traffic on these two routes by construction workers and operating employees, in addition to the heavy construction equipment which must be moved, will cause a rapid deterioration and will be a hazard to school buses, ambulance service, and other vehicle movements in the area.

In summary, Congress has authorized and appropriated the necessary funds to provide relief to communities in the safeguard areas of Montana and North Dakota, and it is expected that the necessary departments will follow through with their responsibility in this regard.

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

Mr. MANSFIELD. I will be happy to yield to my distinguished colleague.

Mr. METCALF. Mr. President, I congratulate the senior Senator from Montana for obtaining this kind of appropriation. However, I think it should be pointed out that, while this is plowing new ground in some respects, this appropriation is a recognition of the needs that relatively small communities have when they have to participate in such a large construction activity as the ABM.

This is true in Montana. Relatively small communities are going to have their populations doubled. In some respects they will have problems in law enforcement, the highway problems the Senator suggested, problems of health and increasing the hospital capacities, and problems in school and increasing the educational facilities.

We have some money that would take care of some of these things had they been completely funded. However, from time to time we have been unable to pass adequate funding for the Hill-Burton Act and for other measures. There is a recognition of the fact that we have extraordinary defense activities in communities that have a relatively small population and that it is up to the Federal Government to take care of the extra cost of services and facilities involved. While this is very important in the State of Montana, and I certainly concur that this should be done, it is also of significance when we have defense facilities erected and created in other parts of the United States where we have relatively small communities and extraordinary expenses and services are required of those communities.

Mr. MANSFIELD. Mr. President, the Senator is absolutely correct. May I say that what is being done in this bill is based on legislation unanimously approved by both the House and the Senate.

Mr. President, I believe that the Committee of Conference has agreed on a bill that will be adequate for the construction needs of the Department of Defense for fiscal year 1971. It is true that we have reduced the bill by some $96 million, but our reduction was made of projects that in our judgment were either not needed by the military services for operational needs, or it was felt that these projects could be funded in future years.

I ask unanimous consent that there be printed in the RECORD at this point a tabulation showing the amounts of the conference agreement, and the comparisons with the Senate and House versions of the bill.

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

MILITARY CONSTRUCTION APPROPRIATION BILL, 1971

[In thousands of dollars]

	Appropriations, 1970	Budget estimate, 1971	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1970	Budget estimate, 1971	House	Senate
Military construction, Army	288 267 741	686, 100, 000	637, 909, 000	653, 996, 000	646, 958, 000	+358, 690, 259	−39, 142, 000	+9, 049, 000	−7, 038, 000
Military construction, Navy	300, 028, 000	339, 100, 000	285, 672, 000	309, 551, 000	302, 483, 000	+2, 455, 000	−36, 617, 000	+16, 811, 000	−7, 068, 000
Military construction, Air Force	284, 570, 636	303, 500, 000	268, 831, 000	292, 409, 000	284, 146, 000	−423, 636	−19, 353, 000	+15, 316, 000	−8, 262, 000
Military construction, defense agencies	33, 915, 000	45, 600, 000	45, 025, 000	46, 300, 000	46, 300, 000	+12, 385, 000	+700, 000	+1, 275, 000	
Transfer, not to exceed	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)				
Military construction Army National Guard	15, 000, 737	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−737			
Military construction, Air National Guard	13, 200, 000	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	−5, 200, 000			
Military construction, Army Reserve	10, 002, 475	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	−2, 475			
Military construction, Naval Reserve	9, 600, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	−4, 600, 000			
Military construction, Air Force Reserve	5, 300, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	−1, 300, 000			
Total, military construction	959, 884, 589	1, 416, 300, 000	1, 279, 437, 000	1, 344, 256, 000	1, 321, 888, 000	+362, 003, 411	−94, 412, 000	+42, 451, 000	−22, 368, 000
Family housing, defense	688, 476, 000	809, 038, 000	808, 138, 000	804, 153, 000	806, 464, 000	+117, 988, 000	−2, 574, 000	−1, 674, 000	+2, 311, 000
Portion applied to debt reduction	−85, 784, 000	−90, 538, 000	−90, 583, 000	−90, 538, 000	−90, 538, 000	−4, 754, 000			
Subtotal, family housing	602, 692, 000	718, 500, 000	717, 600, 000	713, 615, 000	715, 926, 000	+113, 234, 000	+2, 574, 000	−1, 674, 000	+2, 311, 000
Homeowner assistance fund, defense	31, 000					−31, 000			
Grand total	1, 562, 607, 589	2, 134, 800, 000	1, 997, 037, 000	2, 057, 871, 000	2, 037, 814, 000	+475, 206, 411	−96, 986, 000	+40, 777, 000	−20, 057, 000

Mr. MANSFIELD. Mr. President, I know I speak for the distinguished Senator from North Dakota, the ranking minority member on the Republican side of the Appropriations Committee, who is faced with a similar situation in relation to the Grand Forks Air Base and facilities in North Dakota. What we have done has had his continued and unstinted support and the agreement meets with his full approval.

Mr. YOUNG of North Dakota. Mr. President, I want to commend the distinguished majority leader for his leadership in sponsoring the amendment to the military construction authorization bill which gave the Secretary of Defense authority to assist communities in North Dakota and Montana with impact problems they are experiencing as a result of the construction of ABM facilities in the two States. These facilities are located in northeastern North Dakota and near Malmstrom Air Force Base in Montana.

I was very pleased to work with the majority leader and to cosponsor this amendment with him. This amendment could and should provide some important assistance to the small towns and cities which are unable to cope with the huge impact problems caused by the ABM construction program. In the case of many of these towns and cities, the impact will be largely of a temporary nature, extending perhaps for 2 or 3 years. Thus, these smaller towns and cities can ill afford, even if they could obtain the credit, to borrow money to meet the temporary demands which are facing them.

The most serious of these demands are for the education of children of the ABM construction force, including additional classroom space, for expanded sewer and water facilities, for recreation facilities, and for roads and highways, to mention just a few of the areas in which these communities are facing a very critical situation.

As the majority leader has pointed out, this bill contains at least $12 million which the Secretary of Defense can make available to ease the very serious problems these communities in North Dakota and Montana are facing.

Mr. BOGGS. Mr. President, I commend this appropriations bill to my colleagues as an example of responsible economy. It provides for the important construction needs of our Armed Forces without providing any unnecessary frills.

This legislation represents a very suitable compromise between the versions passed by the Senate and by the other body.

The bill totals $2,037,814,000. This figure is $97 million under the budget estimates for fiscal year 1971. It is $41 million higher than the House figure, but $20 million under the Senate bill.

I would like to commend the distinguished majority leader, Senator MANSFIELD, for his leadership in development of this bill. Commendations also are in order for the Senator from Nevada (Mr. BIBLE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Texas (Mr. YARBOROUGH), the Senator from Kansas (Mr. PEARSON), and the Senator from Hawaii (Mr. FONG).

Special mention should be made of the great work of the clerk of the subcommittee, Mr. Vorley M. Rexroad.

Mr. MANSFIELD. Mr. President, I join in what my distinguished colleague, the ranking member of the subcommittee, has just said relative to our outstanding committee counsel, Mr. Rexroad. He is diligent. He is a man of great integrity. He is a man of great knowledge and understanding. Frankly speaking, I personally do not know what this committee would do without his valuable services, his unfailing courtesy and complete understanding of the projects involved in the conference report.

YARBOROUGH CALLS FOR PASSAGE OF THE CONFERENCE REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS

Mr. YARBOROUGH. Mr. President, as a member of the Senate Appropriations Subcommittee on Military Construction, I commend the distinguished chairman of the subcommittee, Senator MANSFIELD, and the other Senate conferees for their diligent work on this year's military construction appropriations bill.

The bill which was finally agreed upon includes $58,915,000 for construction at various installations in Texas, which represents an increase of 54 percent over the amount of money that was allowed in the original House bill. I was pleased to be able to get these substantial increases for various projects in Texas.

One of the largest items that we were able to retain that was not in the House version of the bill is $15,741,000 for the construction of an engine overhaul facility at Kelly Air Force Base in San Antonio and is needed to replace obsolete buildings, and the work done there will enable the Air Force to amortize the total cost of the project in a very short time.

I am also gratified that we were able to persuade the House to agree to allow an additional $3.4 million for the naval air station at Corpus Christi. This money for the naval air station is badly needed to repair facilities at the base that were damaged or destroyed during Hurricane Celia which swept the Texas gulf coast on August 3, 1970. It includes repair of many buildings.

The conference report contains $809,000 for Fort Bliss at El Paso which was omitted from the bill which originally passed the House. This money is for the construction of an ingenious moving target simulator which will enable the military to save a considerable amount of expense in their training program for Army air defense gunners.

Finally, the bill which is being sent to the President also provides $75,000 more than the House originally appropriated for Bergstrom Air Force Base in Austin. This increased appropriation will provide for the installation of sound suppression units at the base which are needed to protect personnel from the hazards of jet engine noise.

I will not take the time to detail all of the Texas projects which will receive funds by virtue of this appropriations bill, but let me emphasize the fact that money in this bill will provide for training, housing, and medical facilities which are essential to the morale and well-being of our military personnel and their dependents.

I urge Senate passage of the conference report on the military construction appropriations bill.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. BOGGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

S. 4542 AND S. 4543—INTRODUCTION OF AUTHORIZATION BILLS FOR MILITARY AND ECONOMIC ASSISTANCE

Mr. FULBRIGHT. Mr. President, in accordance with past practice I introduce, for appropriate reference, and by request, a bill drafted by the Department of State to implement those portions of President Nixon's message of November 18 which requested the authorization of an additional $535 million in military and economic assistance.

I also introduce a second bill which will provide members of the committee, the Senate, and the public with a clearer picture of what the draft bill submitted by the Secretary of State would do. Due to the manipulation of various foreign aid accounts to obtain additional military aid for Cambodia, it is especially important that the Congress and the public understand the specifics of the President's request. The second bill would authorize the additional foreign aid requested by the President on a country-by-country basis, wherever this is feasible, rather than in a lump sum as proposed in the administration's bill.

The action by the President in giving $100 million in military aid to Cambodia, without any prior justification to the Congress or any specific authorization, shows how little control Congress has over the existing foreign aid program. Under the present program, the President can juggle and allocate foreign aid funds as he pleases since the Congress, in days when legislative-executive branch relations were more tranquil, gave him the broad authority to do so. A supplemental bill is not the proper vehicle to correct this situation but line item authorizations will at least be a step in the right direction. A line item bill will also give Members an opportunity to stand up and be counted when giving away taxpayers' money to foreign countries.

I might point out that the senior Senator from Delaware (Mr. WILLIAMS)

proposed an amendment to the military sales bill last June which would have required country-by-country authorizations of credit sales. I was sympathetic to this approach but, unfortunately, the amendment did not pass.

This request involves grave policy questions relating to the war in Southeast Asia, the critical situation in the Middle East, and an exposition of the meaning of the Nixon doctrine. It deserves careful consideration and the committee will give it that.

I wish to make it clear that in introducing these bills I am not committing myself in any way on the merits of the President's request and I reserve my right to support or oppose the proposal when it is considered by the Foreign Relations Committee.

I ask unanimous consent that the texts of both bills and two explanatory tables be printed in the RECORD.

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

The bills (S. 4542), to amend the Foreign Assistance Act of 1961, introduced by Mr. FULBRIGHT, and (S. 4543), to provide additional foreign assistance authorizations, introduced by Mr. FULBRIGHT, were received, read twice by their titles, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 4542

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by striking out "for the fiscal year 1971 not to exceed $414,600,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $609,600,000".

SEC. 2.504(a) of such Act (22 U.S.C. 2312 (a)) is amended by striking out "$350,000,000 for the fiscal year 1971" and inserting in lieu thereof "$690,000,000 for the fiscal year 1971".

SEC. 3. Chapter 2 of part 11 of such Act is amended by inserting at the end thereof the following new section:

"SPECIAL MILITARY AID TO KOREA

"SEC. 511. In addition to any program of assistance to Korea for which funds may be available pursuant to this part, the President is authorized until June 30, 1972, to transfer to the Republic of Korea, in furtherance of the purposes of this part and within the limitations of this Act such of the defense articles of the Armed Forces of the United States deployed in Korea on July 1, 1970, as he may determine: *Provided,* That no funds heretofore or hereafter appropriated for the purposes of this part shall be available for reimbursement to any Agency of the United States Government on account of any transfer made pursuant to this section."

S. 4543

A bill to provide additional foreign assistance authorizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Foreign Assistance Act of 1971".

SEC. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed —

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

SEC. 3. The President is authorized until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

SEC. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable to that type of assistance or transfer.

THE JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN PRISONERS OF WAR HELD CAPTIVE BY NORTH VIETNAM

Mr. DOLE. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 486) by title, as follows:

A Senate resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall object—I object to it on the basis of procedure.

Yesterday in the hearings every member of the committee, including myself, and everyone else I know of who spoke on this subject, expressed admiration and approval of the personal courage of the men who participated in the aborted raid to free prisoners in North Vietnam. So, of course, I and everyone else would approve of that. However, this resolution concerns a matter about which there is not too much approval, and that is the policy and the wisdom of the raid and its effect upon the safety of the prisoners themselves and upon the negotiations.

In other words, there is inextricably involved in this resolution the question of the wisdom of sending the raid, but we do not question the valor of the men who participated. There is a question about the decision and judgment of the authorities who ordered the raid to be made on a place where there were no prisoners.

So I think adoption of the resolution would be misinterpreted by the country. Resolutions of this kind should be considered by the respective committees and an opportunity had to understand their full implications.

I do not wish to belabor the point, but I have many times over the period of several years apologized to the Senate and the country for having been pressured by the then administration into approving the Tonkin Gulf resolution. This is old history, but under those circumstances the President of the United States had taken violent action. He had sent a number of planes, not as many as this time, but, as I recall, there were 64 bombing sorties over North Vietnam; and under the impact of the emotions that were aroused and a misrepresentation of what had happened, I participated with the administration in misleading the Senate by repeating what I had been told. I participated in the passage of that resolution. I have apologized many times and confessed my error.

I am fundamentally opposed to bringing up resolutions touching matters of this kind and adopting them without hearings by the responsible committees. If we approve the resolution today—there are five Members of the Senate on the floor—it will be reported by the press as if the Senate of the United States—all 100 Members of this body—approved of it. It would be interpreted by the press as full Senate approval of the whole operation—bombing of the North and the effort to release these prisoners.

I realize that the language does not say that, but under the emotional atmosphere including the reports by officials and the testimony of the Secretary of Defense yesterday, I am quite sure that will be the way it will be interpreted.

The Secretary of Defense requested a public meeting yesterday. Most of the press said erroneously that I summoned him, and so forth. It happens that I am glad to have him at any time. The facts are that I was in a committee hearing and he called me yesterday at about noon, at 12:30, and said he would like to come in open session. I said I would be glad to have him. I am always glad to have the Secretary of Defense. He is a very able, capable man.

He gave us his story or version or interpretation of the significance of this event. I do not think that is all there is to it, however. I do not think it would be prudent or provident to act upon this resolution with so few Senators present and when there is a great deal about this whole expedition we do not know—not about the valor of the men who were on the mission, but about the background and circumstances that prompted the mission and about the question of why the mission was ordered when there were no prisoners there to be rescued. How could anyone make such a decision without absolute proof that there were American prisoners there to be rescued? What was the purpose of sending a mis-

sion to rescue prisoners who were not there? This is a most unprecedented situation.

I think it would be imprudent to adopt the resolution under these circumstances. I cannot allow it to be done by unanimous consent. If it is objected to, it has to go over under the rule, and that is what my objection is for. It must go over under the rule. Therefore, there will be time under those circumstances for persons to give it some consideration. It is on that ground that I object to the procedure as not proper.

Mr. DOLE. Mr. President, will the Senator withhold his objection for a moment?

The PRESIDING OFFICER. The Senator has objected. Does he withdraw the objection?

Mr. FULBRIGHT. I withhold the objection to give the Senator an opportunity to say what he likes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, of course I would not want the resolution to be misinterpreted. It has been carefully drawn. In fact, it has been revised since the initial draft to make certain any policy issue was avoided.

With reference to the handful of Senators who may be present now, let me say to the Senator from Arkansas that there are 33 cosponsors, including the Senate majority leader, the Senate minority leader, and other members of the Foreign Relations Committee. In fact, the Senator from Kansas attempted to contact every Member of the Senate except those who were in meetings this morning.

In any event, I share the view with the Senator that this is a serious matter. The Senator from Kansas has no desire to have the resolution become a part of any Indochina policy discussion, but, with the Senator's indulgence, I would like to read the resolution at this time.

Mr. FULBRIGHT. It will be printed in the RECORD. Certainly, if the Senator wishes to read it, it is all right with me. I believe the Senator indicated it has been revised since some cosponsors saw it. That is a detail. It would make no difference, in my judgment, as to the procedure of approving a resolution of this character without full consideration and discussion. But I do not wish to deprive the Senator of his right to read the resolution. I just now read it. It is not the substance that I object to.

I may say to the Senator that in the case of the Tonkin Gulf resolution it was grossly misinterpreted by the press. The Senator cannot control what the members of the press will say about it. He cannot write the headlines in tomorrow's paper or this evening's paper. With all good will, the Senator has not that power.

When the Gulf of Tonkin resolution was considered, the President said we had been attacked without provocation and that he had responded, and the main thrust of the resolution was "We support the President of the United States." Then it went on with some other language he put in the resolution, but the main thrust of the resolution was that the United States could not tolerate being attacked on the high seas by a little, two-penny country, and this resolution was approval for everything the President did. I never heard of a greater distortion of the significance of a resolution.

I can no longer consent to resolutions of this kind, particularly in the field of my responsibility and the committee's responsibility, to go by without consideration.

I am not committing myself to oppose the resolution in due course. I am opposed only to bringing it up just before recess, with six Members on the floor, and passing it by unanimous consent. I object to any resolution of this importance being passed under these circumstances. That is the only objection.

If the Senator wants to read the resolution, that is all right. It will be printed. The six Senators here have read it. I do not know what the Senator wishes to accomplish by reading it, but I do not want to deprive the Senator of that opportunity if he wishes it.

Mr. DOLE. Mr. President, if the Senator will yield——

Mr. FULBRIGHT. I yield.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Let me say to the Senator from Arkansas that I have no control over what the press may say, but it could say, in response to the objection, "The United States refuses to commend a courageous act by a group of Americans," and that is not the intent of the Senator from Arkansas.

Mr. FULBRIGHT. That is not true. That is a complete misstatement.

Mr. DOLE. That may be the headline tomorrow morning. For that reason, I would read the resolution itself.

Mr. FULBRIGHT. I have no objection to the Senator's reading it. My objection is to immediate consideration.

Mr. DOLE. I shall read it to make it clear to the Senate that it is strictly drawn, and refers only to the act of courage by those involved:

Whereas at the request of the Secretary of Defense, the President of the United States authorized a joint Army-Air Force task force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners of war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the joint Army-Air Force task force, under the inspiring leadership of Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners of war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners of war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country: Now, therefore be it

Resolved, That the Senate hereby commends the brave officers and men of the special joint Army-Air Force task force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force task force rescue mission.

Mr. President, I have read the resolution with an effort, or a wish, perhaps, that having read and now having heard it, the Senator from Arkansas might agree that the Senator from Kansas made the effort, with the assistance of the legislative counsel, to restrict it to the courageous act; to a commendation of those who risked their lives.

For what? To rescue some American prisoners. That is the sole and only purpose of the resolution. There is no purpose, no intent, and in fact no language in it that praises the administration. It does recognize that the Secretary of Defense, with the approval of the President, authorized the mission.

As I noted and as the Senator from Arkansas may know, at 4 o'clock this afternoon some of those men will be honored by the President. The Senator from Arkansas may have noted that the other body, the House of Representatives, may consider a resolution today commending these brave men. It appeared to the Senator from Kansas that this was an opportunity, in coordination with the executive branch and the other body, to demonstrate our feeling about Americans who demonstrate courage and who are willing to risk their lives.

It may be there is need for hearings. Maybe the men did not act bravely. That is the only issue: Was it a courageous act, or was it not a courageous act? The resolution does not speak to policy direction, the resolution does not speak to the decision, the resolution speaks only to the act which was participated in by these men. The Senator from Kansas believes, and hopefully the Senator from Arkansas believes, that it was a courageous act. It was carried out by volunteers. It was an important mission. Unfortunately, no prisoners were there.

The Senator from Kansas believes we are a grateful nation. Senators are aware of the sacrifices made by Americans in Southeast Asia. Whether we agree with the policy is secondary. Everyone in this body is aware of the great risks—or should be aware of the great risks—taken by these men.

Senators do not need a resolution; but it seemed to the Senator from Kansas

that this is a little which can be done now—not next week, not next month, not next year; that we might recognize this deed now, while fresh in the minds of the American people and the minds of the wives, children, mothers, and fathers of prisoners of war and Americans missing in action.

If there is some procedural question, then, of course, the Senator from Arkansas has every right to object. But I would only urge and remind the Senator from Arkansas that one change was made to avoid getting into a policy matter.

Whether or not we pass this resolution will not, of course, diminish what was done by these men. Whether or not the Senate acts today, it will not deprive those men of the satisfaction they must feel in risking their lives for other Americans. It will not dim the luster of the Army or the Air Force, only the luster of the Senate.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. I commend the Senator from Kansas (Mr. DOLE) for his initiative, and wish to emphasize, in addition to the other points he has already made, that this resolution bears no resemblance whatever to the Gulf of Tonkin resolution.

The Gulf of Tonkin resolution contained language indicating authority for the President to take military action. This resolution contains no authority whatsoever. This resolution does not speak to any policy, as the Senator from Kansas has said so eloquently. The only question is whether we wish to recognize and commend the bravery and courage of these American servicemen who volunteered and then followed orders of the Commander in Chief.

If we could agree by unanimous consent that this resolution be made the pending business, that would not necessarily mean it would then be adopted with only a few Senators on the floor. Of course, there could be a quorum call, and we could bring the rest of the Senators over here. But if it is referred to a committee, when the President is about to meet with leaders of these brave men at 4 o'clock, I believe it would appear that the Senate intends to take no action.

So I join with the distinguished Senator from Kansas in an appeal to the Senator from Arkansas—who is, of course, perfectly within his rights to object if he wishes to do so. I would suggest that on many other occasions, the Senate has considered similar resolutions, some of which have involved matters of policy—as this one does not. But on many occasions we have almost routinely recognized acts of bravery or demonstrations of courage through such resolutions. Accordingly, I hope there will be no objection.

Again I commend the Senator from Kansas.

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

Mr. DOLE. I yield.

Mr. COOPER. Mr. President, I have joined as a cosponsor of the resolution which has been offered by the distinguished Senator from Kansas (Mr. DOLE). I think it proper that the Senate commend the men who made the very brave effort to rescue prisoners of war held by the North Vietnamese.

Of course, it was a risky venture, but rescue operations are not unknown in the history of our country. In every war there have been rescue operations, either to rescue prisoners of war or to relieve isolated groups of American servicemen who had been cut off from the main body of troops.

All such operations involve great risks. In this case it involved the risk of failure of the mission, but failure to find American prisoners of war does not mean the effort was not worthwhile. It involved the risk of the death or capture of those who participated in the operation.

Yesterday, in the open hearing of the Senate Foreign Relations Committee, when Secretary Laird testified—and, as I understand, at his request—questions were raised as to whether the operation involved the risk of retaliation upon other prisoners of war.

Their treatment by North Vietnam has been cruel thus far. All efforts by our country to secure their release, exchange and proper treatment according to the Geneva Convention on Prisoners of War, to which North Vietnam is a signatory, have been cynically rejected by the leaders of North Vietnam.

I would hope that the rescue operations would bring notice to those who rule North Vietnam not only that this country cares for its prisoners of war, but that our people and other peoples of the world can only feel revulsion at the lack of humanitarianism evidenced by North Vietnam.

The question was raised whether the rescue operations or the bombing of the missile sites represented a new policy on the part of the administration. I must say, in this connection, that the news story which appeared in the New York Times this morning was, in my view, one sided. From reading the news story, one who was not present at the hearing could have the opinion that all members of the committee were opposed to and derisive of the operation. This is not correct. In fact, during the hearings, both the Senator from New York (Mr. JAVITS) and I asked direct questions of Secretary Laird, which he answered forthrightly, as to whether the rescue operation or the retaliatory strikes in North Vietnam represented a change of policy—a change from the policy of pursuing negotiations, the policy of Vietnamization to bring an end to American participation in the war, or the policy of cessation of general bombing in the North. In each case, Secretary Laird answered that the operations did not represent any change of these policies of the United States.

I do not believe the resolution of Senator DOLE brings into question the policies of the United States. It is simply a forthright statement commending these men for carrying out a very delicate, difficult, risky and brave operation to attempt the rescue of some American prisoners of war.

I do not consider that failure of rescue is the decisive point upon which any objection should be made, and the Senator from Arkansas has said that he is not objecting on that point. I would be glad if we could vote on the resolution today.

Mr. DOLE. Mr. President, let me say in conclusion—and then I will renew my request—that as the Senator from Kansas views the resolution, it is simply a "thank you" to the men involved in this rescue mission.

Let me emphasize information concerning the resolution was made available to other Senators. At least, an effort has been made to contact nearly every Senator. Thirty-three Senators are cosponsors of the resolution, even though just a few are present in the Chamber.

I share the view expressed by the Senator from Michigan and the Senator from Kentucky. The Senator from Kansas would say that perhaps the news media, in their rush to find fault in Vietnam, may have created the impression that the American people generally deplore the rescue effort. The Senator from Kansas is of the opinion that, whether or not Americans agree on a policy, they respect courage, and they respect the efforts made by these Americans. The great majority of Americans are proud of every man involved, though the mission was not a total success because no prisoners were found. But it was, nonetheless, successful.

First of all, it proved that we have the ability. It proved we have the initiative. It proved—although it was not necessary to prove again—that Americans have the courage. It demonstrated concern for American prisoners of war.

How many men must die and how long must the children and the mothers and the wives and the fathers weep before this country demonstrates some initiatives?

The Senator from Kansas does not suggest that we expand the war in Vietnam. The Senator from Kansas does not suggest reckless raids in North Vietnam or Laos or wherever prisoners may be held. But the Senator from Kansas does suggest that if an opportunity presents itself in which Americans, by taking a risk, can save other Americans who have languished in prison camps for months and months and months—and some for 5 and 6 years—then the Senator from Kansas would hope the risk would be taken.

Yesterday, I stated the essence of a conversation with three wives. One wife indicated to me—and I believe that her opinion carries some weight—that she would prefer to see her husband die trying to escape, or in the effort of some rescue mission, than to rot in a prison cell.

Another wife indicated that this will sustain her for 6 months—this one act of courage by Americans willing to risk their lives for other Americans will sustain her for 6 months.

All they live on is hope.

Every Member of this body, I would guess, has urged his constituents to write letters to Hanoi. Some Members of this body have visited Paris. Many of us attended a joint session of Congress when Colonel Borman explained his trip around the world on behalf of prisoners.

Last May we had a Recognition Day. We appealed for international justice. We appealed to the North Vietnamese to release our prisoners. Our Government offered to exchange 33,000 prisoners for 3,000 prisoners. Our Government offered a cease-fire proposal, and one of the specific provisions was the exchange of prisoners.

Mr. Ross Perot, of Dallas, Tex., has traveled around the world in an effort to free the prisoners. Many wives have traveled to Paris in an effort to see representatives of the Hanoi government, to free their husbands and to free their sons. The mail is increasing in America. The concern is growing in America for the American prisoner of war and the American missing in action.

All we ask the Senate to do today is to say "Thank you" to brave and courageous Americans who have done more than we have done, but all done for the same purpose. We did what we felt we could do to be of assistance. They did what they were trained for, in an effort to be of assistance.

The Senator from Kansas would guess that no one could be more disappointed than Col. Arthur Simons, who landed at the compound and searched every room and found no American prisoners.

What a great Thanksgiving it would have been to have returned one prisoner, 10 prisoners, or 50 prisoners. I would guess there would be quite a different response. Resolutions would have been emanating from all over the Chamber praising this great deed and this great act of heroism.

I certainly respect the right of every Senator to object to procedure—because the Senator from Kansas may do it one day. But it is the hope of the Senator from Kansas—and I am certain it is shared by the Senator from Arkansas and every other Senator in this Chamber—that Gen. Leroy J. Manor and Col. Arthur D. Simons, notwithstanding the failure of the Senate to act today, will understand that we hold them in the highest regard, that we have nothing but admiration for their deeds and their service, and that perhaps at some later date we can properly commend them for it.

Mr. President, I renew my request.

Mr. FULBRIGHT. Mr. President, reserving the right to object, the Senator from Kansas is eloquent. He is one of the most eloquent Senators, I think, in this body. The substance of what he says clearly demonstrates one of the things I have in mind, because he interprets it as going far beyond its announced purpose, which is commendation of these men—which it is and for which I agree they should be commended as individual soldiers, doing what they are especially trained to do and at great risk.

However, I cannot conclude without making a few observations about this matter. First, I remind the Senate that it was created under the Constitution and not as an adjunct merely to give approval to what any Chief Executive wishes, which seemed to be the attitude of the preceding administration. I feel so justified in saying this, because it is not attributable solely to the present administration. But if the Senate is created for the purpose of exercising an independent judgment—and there has been considerable effort given to this matter in recent years by myself and others to try to reestablish an independent point of view—then we should examine all policies very carefully.

Now the raid to rescue the prisoners took place almost simultaneously with a tremendous resumption of the raids on North Vietnam, in which over 200 planes participated.

This resolution has serious policy implications. It is a small matter relative to the overall policy. It is a somewhat restricted expression of approval of a few individuals' brave yet ineffectual mission. We all agree with that. But I submit it does have and it will have implications of approval about the overall policy that is now being resumed; namely, the bombing of the north.

This is so reminiscent of the previous administration's decision to bomb the North Vietnamese and force them to come to terms.

It did not succeed under President Johnson and I predict it will not succeed under President Nixon.

It is troublesome to me in recent weeks to see a revival of a similarity not only of the procedure of the previous administration but also of the substance. Here we are resuming bombing in the north.

This rescue exploit was dramatic and interesting. However, I also submit every boy who walks through the elephant grass in the Mekong Delta, where they are boobytraps and where there may be Vietcong, is likewise entitled to commendation. Every one of them is entitled to commendation who walks through the elephant grass in the delta, because it is just as hazardous, perhaps more so, than this particular expedition.

This expedition was organized down to the last detail, with the most sophisticated vehicles the world has ever seen and the most sophisticated weapons. It was practiced many times over during a period of days and weeks, using a simulated prison camp, one that had been built exactly like the one they were going to attack. They practiced every move down to the last detail. The technical organization was correct.

As I said yesterday, the only trouble was, there were no prisoners there. The failure of the main point, to rescue prisoners, is so glaring that it raises serious questions as to the seriousness of the expedition to begin with, from the point of view not of the participants but of those who ordered it and those who directed that it be made.

This is so reminiscent of the aftermath of the Gulf of Tonkin episode. Certainly the men who flew the mission in the first bombing raid over North Vietnam were valorous men. They were well equipped. They were intelligent. They deserve our commendation. They were going there under the orders of the President of the United States. I shall not go further into that other than to say it was a great mistake that we approved a resolution that led to that decision.

But this gets out of perspective a little. We have lost some 50,000 dead in South Vietnam with more than 300,000 men seriously wounded, many of whom will never be able to live a normal life, many of whom have lost legs and arms or have been even more seriously injured for life. They are all heroes from that point of view.

The purpose that I am concerned with—and I know most of the Members of this body are—is how to stop the slaughter.

Involved in this kind of action is the question of policy; namely, is it wise now to resume bombing in the north? Is it wise to expand the war again?

These are policy matters which could be prejudiced by premature and thoughtless endorsement of an individual unsuccessful mission which we all agree that it is.

No doubt there will be those who say that I have refused to approve of the men who went on that mission. I, of course submit that would be a gross distortion of what my purpose is.

My purpose is to follow that procedure which is best designed to bring home all our prisoners in Vietnam, not just some of them, not just those who may have been at that particular camp.

My purpose is to stop the war, so that not only our prisoners of war can be brought home, but that all our soldiers can be brought home—and that the slaughter will be finished.

I have grave question about whether this resumption of the bombing in the north, with which this particular expedition was closely associated, whether it promotes that overall purpose

It is interesting that this morning the Vice President of South Vietnam visited members of the committee with the Senator from Vermont (Mr. AIKEN) as host, with other Senators present, because I had the opportunity to make an observation to the Vice President of South Vietnam, in which I said, "It strikes me, Mr. Vice President, that the history of western intervention in the Far East, beginning with the British intrusion into China, and then later with the French conquest of Vietnam—all of Indochina for that matter—in which the French reduced it to a colony, and the intrusion of other western peoples, including ourselves, has been the greatest tragedy for all the people of Asia. Vietnam has had a long history of 2,000 years, long before the United States was a country. I believe that the greatest thing that could happen to the people of Vietnam would be the removal of all foreigners, including Americans."

Well, Mr. President, much to my gratification, the Vice President said that he could not agree with me more, that that was exactly what he thought, that the best thing that could happen would be the removal of all foreigners, including those from the United States, from his country.

I submit, Mr. President, that involved in this kind of question, so eloquently discussed by the Senator from Kansas, is the question of policy. He cannot disassociate the approval of one part of the resumption of the bombings and the intrusion into Vietnam from the overall policy. It is inevitably involved, whether he likes it or not.

I do not believe there exists a newspaper in this country that could effec-

tively disassociate this raid from such matters of policy.

There is certainly involved in this whole expedition the question of the adequacy of our intelligence. It is a most unusual thing that a raid of this consequence is undertaken without adequate knowledge that the people it is intended to rescue are there.

The first consideration would not be the technical capacity of the helicopters to fly in. It would be whether or not the prisoners were there.

How anyone would make such a foray without absolute assurance, I do not know. Whether or not he has a photograph that can penetrate the roofs of buildings is immaterial. There are other ways to obtain knowledge. And without absolute assurance that the object was there, how could anyone make a decision to risk the lives of all of these very brave people who participated in the raid?

I wonder how much consideration they gave to what would have happened to the prisoners if the prisoners had been there. Would it not be very likely that, had those prisoners been there, a number of them or all of them would have been killed? There would have been guards there. Those who participated in the raid would not have been able to roam through the camp.

Mr. DOLE. Mr. President, will the Senator yield? There were guards there.

Mr. FULBRIGHT. There were a very few guards there. There is a report that one man was shot in his leg with one AK rifle. That was the extent of the injuries.

Could anyone believe that if there had been 50 or 75 prisoners there, there would not have been guards there? It would have been a very different situation. It could easily have resulted in the slaughter of the prisoners or of our men.

Our men were very fortunate from the individual point of view that there were virtually no guards there. Otherwise a number of them would not have returned.

These are circumstances which have nothing to do with the valor of the individual participants. But they have a lot to do with the wisdom of the men making the decision to engage in such expedition without absolute assurance that the people toward whom the raid was directed were there.

There are questions of policy involved. Perhaps I have had too much experience and have become too skeptical. I say this without prejudice to this administration. However, previous administrations have aroused in me a skepticism about many of these actions in which they ask immediate approval without consideration being given by a committee. I am just too skeptical about the whole operation to give consent to it now.

Mr. President, I will add one other statement. At 2:30 this afternoon, Under Secretary of State Irwin is appearing before the Committee on Foreign Relations at our request. He asked that the committee meet in executive session. He is coming to give his version of the affair. The Secretary of State is out of town.

I think this is entirely proper. I think the Department of State ought to have responsibility, although I sometimes wonder whether it does have responsibility for the overall policies in these matters. At least I think the committee, and I think all other Senators, should be advised as to what the Department of State views are about the policy and the effects of the resumption of bombing in the north in a major way and of this raid, of which it was a part.

I agree with the Senator that this mission without question demonstrates a tremendous technical capacity. I do not think that anyone ever doubted that. I agree that it is further evidence that we are concerned about the prisoners. I do not think anyone doubts that we are concerned about the prisoners. We all applaud the valor of our soldiers. But there is very serious question as to what is the wise policy and the best way and the most provident way to end this war and stop the slaughter of our citizens and stop the disruption of our whole economy here at home and all of the other difficulties that arise out of this war.

I very reluctantly have to object to this request on those grounds. I think it would be misunderstood. It would be misunderstood the other way if I did not object, probably as much as it will be if I do object. However, in view of my personal experience with resolutions of a similar kind in the past, I am bound to object. I do object.

The PRESIDING OFFICER. Objection is heard. The resolution goes over under paragraph 6 of rule XIV.

Mr. GRIFFIN. Mr. President, I deeply regret that the Senator from Arkansas has objected.

Earlier, I intended to ask the Senator from Kansas if he would read the names of those Senators who cosponsored the resolution. I ask him to do so at this time.

Mr. DOLE. Mr. President, the names of the cosponsors are: Mr. DOLE (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. GRIFFIN, Mrs. SMITH, Mr. ALLOTT, Mr. EASTLAND, Mr. YOUNG of North Dakota, Mr. ALLEN, Mr. BOGGS, Mr. BAKER, Mr. McGEE, Mr. COOK, Mr. GOLDWATER, Mr. BENNETT, Mr. MURPHY, Mr. COOPER, Mr. HANSEN, Mr. HRUSKA, Mr. GURNEY, Mr. DODD, Mr. SCHWEIKER, Mr. TOWER, Mr. FANNIN, Mr. CANNON, Mr. THURMOND, Mr. DOMINICK, Mr. BYRD of Virginia, Mr. PEARSON, Mr. CURTIS, Mr. JACKSON, Mr. COTTON, and Mr. SPARKMAN.

There are a total of 33 cosponsors.

Mr. GRIFFIN. Mr. President, I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, would the able Senator from Kansas (Mr. DOLE) indicate whether the resolution he has introduced today was appropriately circulated among the membership of 100 Senators to give each Senator an opportunity to study the resolution and, if he so desired, to attach his name thereto as a cosponsor?

Mr. DOLE. Mr. President, I made every effort to do it appropriately. I found, for example, that the informal meeting of the Foreign Relations Committee deprived me of contacting 10 or 11 Senators. I contacted some of them later. My office started delivering copies of the resolution at 9 o'clock this morning. There was a bipartisan effort made. I did the best I could.

Mr. BYRD of West Virginia. But the Senator cannot state that the resolution was presented to the attention of all Senators who are present in the Capitol today.

Mr. DOLE. No; I would not want to say that about any resolution.

Mr. BYRD of West Virginia. Mr. President, as I understand the Senator, he made the effort, but he does not, of his own knowledge, know that each Senator had an opportunity to add his own name as a cosponsor if he so desired.

Mr. DOLE. Mr. President, I first discussed it with the Senator from Pennsylvania (Mr. SCOTT), then with the Senator from Montana (Mr. MANSFIELD), then with the Senator from Michigan (Mr. GRIFFIN), and then with the Senator from Massachusetts (Mr. KENNEDY). The Senator from Massachusetts (Mr. KENNEDY) declined.

Members of my staff fanned out around the Capitol to contact as many Senators as possible. However, I would not want to say for certain that every Senator is aware of everything that happens in the Senate. Sometimes it is difficult to contact everyone. However, the effort was made and if the point is made that we should have contacted more, we did the best we could.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Kansas contacted me. I indicated to the Senator that I supported the substance of the resolution. But I declined to join as a cosponsor at that particular time. I would not want the list of 33 cosponsors which will appear in the RECORD to leave the implication that all 100 Senators had been contacted and, by virtue of the fact that the names of more than 60 Senators do not appear as signatories, that they are opposed to the substance of the resolution.

In my case, as I say, I support the substance of the resolution. But I just want the RECORD to show all Senators have not, for one reason or another, perhaps had an opportunity to discuss the resolution, to study it, and to add their names as cosponsors, if they wish to do so.

Mr. DOLE. Mr. President, I do not intend by reading these names to imply that certain Senators are either for or against the substance of the resolution.

The Senator from Kansas would assume that some Senators might have reservations. Some few did express reservations. Others were not contacted.

The Senator from Kansas is not certain how many Senators may have been here earlier today. I assume that there are not many around the Capitol now.

Mr. BYRD of West Virginia. Mr. President, I want the RECORD to be very clear to the effect that while I support the verbiage of the resolution, I do not find fault with the able junior Senator from Arkansas in the exercise of his rights as a Senator to object, under the Standing Rules of the Senate, to the immediate consideration of the resolution. He has made it clear here that he has no objection to the substance of the resolution,

but that he feels that, procedurally, it is unwise to consider this resolution without having it lie over for a day in accordance with rule XIV; and he has explained his reasons, I think, in a very lucid manner as to why he has so objected. I hope his action will not be misinterpreted. He has exercised his right as any other Senator can and should do.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I yield, but I wish to add that the Senator from Arkansas does not need any defense from me.

Mr. DOLE. No; but as the principal sponsor I make it clear that I recognize the right of any Senator to object. The Senator from Kansas, when he knows little more about procedure, may object or do something sometime. In any event, I recognize the right of the Senator from Arkansas to object.

I understand his long and continuing interest not only in this area, but other areas; however, this was an unusual act of bravery and, in my opinion, did deserve unusual attention. I say that to explain the reason I attempted to bring up the resolution in this fashion.

Mr. BYRD of West Virginia. I do not think the objection by the Senator from Arkansas detracts one jot or one tittle from the resolution. I shall support the resolution when it comes to a vote; but this does not reflect in any way on the patriotism or good intentions of the able Senator from Arkansas. As chairman of the Committee on Foreign Relations he has not only a right under the rules to object but, perhaps, he felt it his duty to object at this point until more consideration could be given to the overall aspects and nuances involved. I respect him for it, and I trust his action will not be misunderstood.

Mr. FULBRIGHT. Mr. President, I do not know how much will be made of this, but the Senator from West Virginia made a very good point. It seems to me most unfair to read out a few names, leaving the impression that all other Senators declined to sign it, when actually they may never have heard of this resolution. It would strike me as unfair to absentees or Senators who were unaware of the resolution. I was not aware of it until the time of the rollcall on the treaties when I came to the Chamber. I had been in a meeting with Vice President Ky and otherwise occupied. One might say that by chance it was given to me when I came to the floor of the Senate. I am certain that a great number of Senators have never heard of the resolution.

The Senator from Kansas specifically mentioned the Senator from Massachusetts (Mr. KENNEDY) as having declined to sign the resolution. I have no idea of the attitude of the Senator from Massachusetts. But it seems to me since he is not here, that to leave the impression he declined and perhaps does not approve of the valor of the individuals is not a very fair way to leave the record. I cannot speak for the Senator. I have said nothing to him about it. I make that reference only as an illustration of some 60 or 70 other Senators who have not had an opportunity to speak for themselves. Yet it would be made to seem that those cosponsors are the only Senators who think that these men did their duty in a brave and courageous manner.

I presume to speak for everyone in saying that I believe everyone who participated in this event was brave, patriotic, and courageous. They are trained for this duty and did that duty exactly as they were trained. I think it would be unfortunate if there were to come out of this a feeling that there is a great division on this floor. There is no division between the Senator from Kansas and me in our respect for these particular men, but there is a difference between the Senator from Kansas and me as to the wisest way to conclude this war.

There is a definite division, apparently, between the Senator's view of the effectiveness and wisdom of the present policy of resuming the bombing of the North. These are differences of substance, having nothing to do with the resolution. I regret that the resolution, which purports on its face to have only to do with individual valor, is so integrated with other issues that I have to take this action in objecting, but it is so integrated. It happened almost at the same time as the resumption of the bombing in a major way on North Vietnam—200 planes—that is a major resumption of bombing and a matter over which this country has been divided for a good while. Think of all that went on under the previous administration leading to the cessation of bombing in the North. Think of all the debate in this Chamber and in the country as to whether it was wise to continue the bombing. All of this involved and in this the Senator from Kansas and I have a difference. Certainly, he is entitled to his views as to how to proceed to conclude the war or to win it. We all have these views but they do not concern the substance of this resolution; and to imply that there are Members of the Senate who do not approve of this valor is unfortunate.

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

Mr. FULBRIGHT. I yield.

Mr. DOLE. The Senator from Kansas read the names of the sponsors in response to a question. I also wish to state that I offered the resolution under the unanimous-consent procedure and the Senator objected. Of course, that is his right. Resolutions and bills are passed here daily with five sponsors, 50 sponsors, or 17 cosponsors, and I do not believe there has been any intent to leave any impression that those named are the only ones who support the effort and that others may be opposed. I hope 51 Senators support the resolution, for otherwise it will not pass in any event.

Mr. FULBRIGHT. I do not know. The election is over and it seems to me that we should no longer view these matters in that context. We now should be concentrating on other aspects. I regret that it can be interpreted in any other way.

I understand that subsequent to the time some of the people agreed to cosponsor the resolution changes were made in it. I believe someone indicated a moment ago that one paragraph is striken out.

I am not sure the Senator is entitled to say that all 33 Senators approve of this precise language. I think that is a detail that is not critically important but it is certainly significant. I say that only to take away the idea that those Senators whose names were not read necessarily are opposed to the resolution.

I hope the press makes it clear that those whose names do not appear there are not opposed to the resolution. I join the Senator in saying that I believe all 100 Senators approve of the substantive thrust of the resolution. I do not believe they would approve of the procedure and the circumstances under which it was brought up.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BYRD of West Virginia. Mr. President, I commend the able and distinguished Senator from Kansas for authoring the resolution. I think it should be adopted. But at the same time, I want to be among the first to defend the Senator from Arkansas, if he needs any defense, in exercising his right—and perhaps his duty—to ask that the resolution lie over for a day. I think we are becoming accustomed all too often in this body to adopting measures upon "immediate consideration" and without adequate consideration by the appropriate committees and by the Senators who have jurisdiction and responsibility over the subject matter.

I would hope that we would get back to a tighter and more frequent application of the rules in that respect.

I commend the Senator from Arkansas in that regard.

Mr. FULBRIGHT. I thank the Senator.

Mr. DOLE. The Senator from Kansas concludes by stating that if any other Senator wishes to become a cosponsor, I will be pleased to add his name to the resolution.

Mr. BYRD of West Virginia. Mr. President, will the able Senator yield?

Mr. DOLE. I yield.

Mr. BYRD of West Virginia. I would like to ask unanimous consent that my name be added as a cosponsor.

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

Mr. BYRD of West Virginia. As I indicated earlier, the able Senator contacted me. At that time I said I would rather wait to see what the Senator from Arkansas, the chairman of the Committee on Foreign Relations, had to say about it. I am glad to have my name added at this time as a cosponsor.

Mr. DOLE. Mr. President, it appears to the Senator from Kansas that we have discussed this matter in enough detail. It is the hope of the Senator from Kansas that perhaps we could have hearings on the resolution, or perhaps the Senator from Kansas could offer it as an amendment at an appropriate time to an appropriate measure that may be passing through this body, perhaps a measure that is sponsored by 100 Senators, or five Senators, or 15 Senators.

In any event, the record has been

made. I believe it is a fair record. The Senator from Kansas, of course, regrets that he could not contact each Senator personally, but I had hoped to have the resolution acted on before 4 p.m. today. I shall advise General Manor and Colonel Simons that we do appreciate their efforts and that we may be able to express it officially at some other time.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 30, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 786, as amended, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, November 30, 1970, at 12 meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1970:

U.S. DISTRICT COURTS

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona.

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the District of Puerto Rico.

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas.

Robert M. Hill of Texas, to be a U.S. district judge for the northern district of Texas.

William M. Steger, of Texas, to be a U.S. district judge for the eastern district of Texas.

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas.

HOUSE OF REPRESENTATIVES—*Wednesday, November 25, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be thankful unto Him and bless His name. For the Lord is good. Psalm 100: 4, 5.

O Lord, our God, we bow in Thy presence with hearts overflowing with gratitude because Thou hast been so wonderfully good to us. Thy mercies come with the morning light, they stay with us through the day and the evening hours and continue to be ours during the night. So we lift our hearts unto Thee in thanksgiving and love.

We thank Thee for food and clothing and shelter: for homes where love dwells, for churches where we can worship as we desire, for our Nation flying the flag of freedom and for the opportunity to serve our people in these Halls of Congress.

As Thou didst lead our fathers to found on these shores a free nation, so lead us in this day to keep our country great in spirit, good in purpose, and genuine in seeking for peace in our world, peace in our land, and peace in our own hearts.

In gratitude we pledge our love and our loyalty anew to Thee and to our country, in the spirit of Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3867) entitled "An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes," agreed to conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE CERTAIN REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDER ON RAIL PASSENGER SERVICE ACT OF 1970

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I have this day forwarded to all of the Members an invitation to participate in a special order on Tuesday, December 1, 1970, regarding the Rail Passenger Service Act of 1970.

As we are all aware, this act creates a private corporation which will be required to operate the rail passenger system of the United States over a designated rail passenger system.

The preliminary designation of this system by the Secretary of Transportation is required by statute to be made on Monday, November 30. I thought it appropriate, therefore, to ask for a special order on Tuesday, December 1, 1970, so that the Members could discuss the provisions of the statute and the preliminary designation of the system in order that Members will be aware of the status of this project and in particular would be aware that comments on the designation of the Secretary must be made within 30 days from the date of the original designation.

I invite all of my colleagues to join in this discussion at the close of business on Tuesday, December 1, 1970.

PROVIDING 4-YEAR TERMS FOR MEMBERS OF THE HOUSE

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I have introduced two resolutions today to amend the Constitution to provide 4-year terms for Members of the House. Of course, this is not original but is being brought to your attention while the time and effort spent in the recent campaign is still fresh in your minds.

Under the proposals, half of the membership would be elected during the presidential years and the other half during off-year elections. The only difference between the two resolutions is that one spells out the action to be taken in some detail while the other provides for the details to later be supplied by legislation. Both contain provisions to meet fears in the other body that a Member of the House would offer himself for Senate membership while still having 2 years to serve in the House in the event of his defeat.

Some Members spend more time on public relations and reelection campaigns than others. But regardless of the time spent it could be used for legislative duties and service to constituents. In my opinion, 2-year terms are unfair to us and those we represent. Now, of course, most of us would not personally benefit by this proposal. If adopted during the 92d Congress there would still be a period of years before the amendment could be ratified by the required number of States.

It does seem a desirable change in our basic law and I hope you will consider joining me in January in reintroducing these or similar proposals and in urging committee action.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.