Revenue Code of 1954 to encourage the construction of, and investment in, housing; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 16098. A bill to promote the advancement of postsecondary education through continuation of existing programs of assistance to postsecondary institutions and their students, through the institution of new programs, and for other purposes; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. BROCK, Mr. CHAPPELL, Mr. FEIGHAN, and Mr. FRELINGHUYSEN):

H.R. 16099. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind; and for other purposes; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 16100. A bill to amend the act of August 7, 1961, to extend the life of the Cape Cod National Seashore Advisory Commission; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS:

H.R. 16101. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 16102. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 16103. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16104. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16105. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16106. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16107. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. TAYLOR:

H.R. 16108. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall end on the last Sunday of September of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio (for himself and Mr. MYERS):

H.R. 16109. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16110. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16111. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16112. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16113. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16114. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16115. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. BRINKLEY:

H.J. Res. 1087. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court judges; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.J. Res. 1088. Joint resolution authorizing the President to proclaim the week of May 4 through May 10, 1970, as "National Black Business Week"; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 1089. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 1090. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 1091. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 1092. Joint resolution proposing an amendment to the Constitution of the United States to change the age qualifications of Members of the House of Representatives and Senators; to the Committee on the Judiciary.

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

H. Res. 842. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mrs. GREEN of Oregon (for herself, Mr. ANDERSON of Tennessee, Mr. BLATNIK, Mr. COLMER, Mr. DANIELS of New Jersey, Mr. DELANEY, Mr. DENT, Mr. EDMONDSON, Mr. FLYNT, Mr. GALIFIANAKIS, Mr. GAYDOS, Mr. GIBBONS, Mr. HAYS, Mr. HOLIFIELD, Mr. JONES of North Carolina, Mr. KARTH, Mr. LANDRUM, Mr. PEPPER, Mr. SISK, Mr. TEAGUE of Texas, Mr. ULLMAN, Mr. WRIGHT, Mr. YOUNG, Mr. KLUCZYNSKI, and Mr. UDALL):

H. Res. 843. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 844. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of California introduced a bill (H.R. 16116) for the relief of Veronica Castillo de Mallari, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

398. The SPEAKER presented a petition of Daniel Edlor Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Thursday, February 19, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

Eternal God, the light of all that is true, and the glory of all that is beautiful, in the hush of this morning moment may Thy presence envelop all our thoughts. We thank Thee for every holy impulse, every noble desire, and every inmost yearning which leads us to Thyself. We beseech Thee to make this place an arena of high service and holy living. Take not our burdens from us but give us strength to carry them. Keep us close to Thee and if the way grows dark and the course unclear, light up our pathway with Thy truth that we fail Thee not. Impart Thy grace and truth to each of us that we may be good enough and wise enough for our times.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 18, 1970, be dispensed with.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Senator from Alaska (Mr. STEVENS) is recognized for 30 minutes.

S. 3477—INTRODUCTION OF A BILL RELATING TO OIL IMPORT PROGRAM

Mr. STEVENS. Mr. President, I have listened with great interest to the extensive discussions and expressions of legitimate concerns voiced by my colleagues who have spoken on this Nation's oil import policy. The problems

and issues surrounding the formulation of an intelligent and workable policy are complex. This complexity has created a tendency to rely on easily understood myths rather than on sound, although complicated, analyses of the facts.

I know few problems which have greater long-range effects, both upon the security of this Nation and the stability of our economy, than the oil policy we shall set for ourselves in the next few months. Therefore, it is essential that we cut through the myths and mini-answers, both of which may be superficially attractive, and begin a careful and thorough analysis of the facts surrounding our oil industry. An issue of this importance can receive no lesser attention than a full and open discussion by all interested segments of our society of every relevant facet of this problem.

The legislation I want to discuss today concerns our mandatory oil import quota program which, I feel, has served our Nation well for the past 11 years. This legislation retains the basic structure of the present program but provides certain significant modifications to accommodate anticipated changes in our increasing needs—changes necessary for a balanced supply of low-cost petroleum products for all these United States. My proposed legislation will, I hope, accomplish two purposes: First, it will provide a vehicle for public discussion, analysis and scrutiny of the issues and problems involved in establishing a national policy on petroleum. Second, enactment of this legislation will retain by legislative action a mandatory import quota system similar to the program which has proved to be workable.

Our present oil import quota program rests upon two premises: First, our domestic petroleum industry must be maintained to insure that this Nation has a reliable and adequate supply of petroleum to meet its domestic needs in times of national crisis. The second justification is that import controls are just as necessary to the economic well-being of our petroleum industry as they are to most of our other industries.

NATIONAL SECURITY

In 1956, the people of Great Britain faced a severe shortage of fuel and oil because of their dependence upon the petroleum and petroleum products of the unstable Middle East. When crude sources and supplies were denied the people of Great Britain, they were saved from a heatless and lightless winter only because our Nation was able to provide them with the petroleum products they so desperately needed.

This Congress cannot, in my opinion, leave the people of this Nation in a situation which could lead to conditions similar to those which the people of Great Britain were forced to endure in 1956.

The existing mandatory oil import control program was established by President Eisenhower in 1959 to provide for the national security by preserving a vigorous, healthy petroleum industry in the United States. In 1969, in a report to the President's Task Force on Oil Import Control, the Department of Defense certified the central importance of petroleum supplies to the national defense. They wrote:

> The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil.

They continue:

> United States domestic petroleum capability must be available to meet military need in case normal foreign sources are denied. These denials may take many forms. For example, a denial of a supply source in a normally friendly country, which may not at the time be in sympathy with our cause, can be just as final as the destruction of those sources by enemy action.

In the period after World War II and leading up to President Eisenhower's proclamation, this country experienced the Suez crisis of 1956 and expropriation actions in Iraq, Argentina, Cuba, and elsewhere. More than a decade later, in the wake of the Arab-Israel war and the Peruvian expropriations, it is not reasonable to look to the Middle East and conclude that those foreign supplies, which comprise 70 percent of the world's known reserves, are now secure. Nor is it rational to conclude that our relations with those nations will necessarily improve in the foreseeable future. It is my firm opinion that American foreign relations, particularly with the oil-rich Middle East, have not stabilized sufficiently in this decade to justify the abandonment of the mandatory oil import control program. It is essential to our national security.

Reason dictated our oil import policy over a decade ago; reason dictates that it be continued. The imperative of security is a two-edged sword: Not only must we avoid dependence on foreign oil sources, but we must also preserve the flexibility which only a strong domestic petroleum industry can provide. Our consumption of crude oil was 4.8 billion barrels in 1968. It will reach 6.7 billion barrels by 1980. In the next decade we must locate and develop an additional 46 billion barrels of reserves if we are to be able to meet that increased need. Our domestic, private petroleum industry must be strong enough to meet this challenge.

ECONOMIC CONSIDERATIONS

Some of the concern expressed by my colleagues who have spoken on this issue has focused on the cost of controls which will keep this country safe from the effects of dependence on an unstable foreign oil supply. As a citizen of the State of Alaska, which has the highest cost of living in the United States, I join in the concern that oil costs be held as low as our national security will allow. And, I am equally concerned that the cost of oil products be properly determined and rightly assigned. To accomplish this complex task, our discussion must uncover in detail the economic impact on all Americans of the controls established by our oil import quota system.

I would like to begin by discussing the dangerous myths that have arisen thus far in debate of this issue. The facts surrounding the cost of petroleum products are complicated, but when they are analyzed they are illuminating. These facts refute the facile statements which make for easy headlines and reveal the complexity and importance for this entire problem.

The two most often expressed myths surrounding the cost of the oil import control program are: That the cost of this system to the consumer is excessive and that excess profits are accruing to our domestic petroleum industry because of it.

COST TO THE CONSUMER

An examination of the price of gasoline in the United States reveals that—excluding taxes—the consumer of gasoline now pays 2.27 cents per gallon more—an increase of 10 percent—for the regular grade of gasoline than he did the year before the program was initiated which would have been 1958. The price of all consumer goods in the United States has risen approximately 28 percent since that time. The price of gasoline has risen only a third as fast as the average for consumer products. But even this statistic does not tell the whole story. Of that 2.27 cents increase in the price of gasoline, only 0.80 cent is attributable to a rise in the price from the refiner. The bulk of the increase in the consumer price is due to costs incurred by dealers and 2.02 cents per gallon increase State and Federal taxes.

When analyzed in light of the rising price of other consumer goods and increasing taxes and distribution costs, it is readily seen that the price of gasoline, during the period of the imposition of our present mandatory oil import control program, has remained extremely stable.

Much has been said about the price New England consumers must pay for their petroleum products. Blame has been assigned to the processors of crude oil. An analysis of the origins of consumer price increases in petroleum products will be helpful here. A March 1969 review published by the Chase Manhattan Bank offers this analysis of the New England petroleum situation:

> Somehow there has developed a widespread impression that petroleum products cost much more in New England than elsewhere in the nation because the region does not have any refineries. If this were true, the consumers of New England, or many other regions for that matter, would understandably have cause for complaint. But the impression is erroneous—it is based upon misinformation.
>
> Actually, prices in New England do not differ significantly from those in most other sections of the nation. Reflecting variations in the basic elements of cost, consumer prices naturally are not precisely the same everywhere—but the differences are usually minor.
>
> Let's look at the facts. Clearly the price of gasoline in Boston is not out of line (33.3 cents per gallon for regular in 1968 in New England versus 33.7 for the national average)—It is neither the highest nor the lowest, and is below the United States average. Because of the variation in local distribution

costs, prices in other parts of New England range slightly above or below the Boston level.

The report continues:

The tendency is to blame the oil industry for all price increases in the last decade. When an analysis of the price rise in Boston between 1963 and 1968 shows that a price increase of six cents a gallon is a result of a four and a half cent increase in the dealer margins, a one cent increase in taxes and only one-tenth of a cent increase in total crude, refinery, and transportation costs. . . . A comparison for other petroleum products will indicate a similar situation . . .

We can shed a little more light on the high cost of New England heating fuel products with a look at heating fuel costs there and elsewhere in the country. According to 1969 figures taken from the magazine "Fuel Oil and Oil Heat," the wholesale tank car price of No. 2 heating oils in New England was 11.50 cents per gallon, compared with 11.30 cents in the Middle Atlantic region, 11.60 cents in the South Atlantic region, 10.86 cents in the Midwest, 12.21 cents in the Far West, and a national average of 11.35 cents per gallon. Again, New England is neither the highest nor the lowest in wholesale pricing, and they are within fifteen one-hundredths of a cent of the national average. Retail prices, however, reflect the reason for the honest concern of the Northeast over heating costs. The consumer buys heating oil in New England for 17.80 cents per gallon, nearly a full cent over the national average of 16.86 cents per gallon and well above the rest of the Nation. The Middle Atlantic States pay 17.30 cents; South Atlantic, 16.40 cents; the Midwest, 16.50 cents; and the Far West, 16.30 cents.

The factor which forces the tank car price and the consumer price so far apart is the dealer/jobber or wholesaler's costs. Nationally, wholesalers collect a 5.51 cents per gallon, but in New England this figure is 6.30 cents, the highest in the Nation.

It seems apparent from all this that attempts to assess to oil producers the bulk, or even a good part, of the recent price increases is unfair. It is one of the easy answers which slights the facts and discredits an industry which has held the line while taxes and wholesalers' costs have soared. For most of the upward trends in product prices, we should look away from crude prices, which have remained relatively constant, to these significant increases in taxes and dealers' costs. In the case of Boston gasoline, the dealer costs on the regular grade went up over 5 full cents in the 6 years from 1963 through 1968, more than doubling, from 5 to 10.2 cents per gallon, while crude, refinery, and transportation costs together rose only one-tenth of a cent per gallon. These figures are difficult, but they tell the story. They say that, if we are looking to the producers of oil for an explanation of the rising price of oil, we are not looking in the right direction. We ought to look to taxation policies and to the causes for continuation of outmoded methods of local distribution.

A second factor in consumer costs which I want to discuss is the difference between apparent and real costs to the economy of our oil import quota program. The cost of the program has often been represented as the difference between the price the consumer pays for petroleum products under the program and the price he would pay if there were no program. The real cost of the program to the economy is not this apparent cost but rather the additional cost of producing the petroleum domestically over the cost of producing the petroleum in a foreign country. Recently my good friend, Russell E. Train, chairman of the President's Council on Environmental Quality, approached the problem this way:

There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention

There is first, the cost to the consumer of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. . .

The cost of the program to the nation, often called the resource cost, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States . . . This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another . . .

In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as $7 billion based on 1975 use rates, compared with resource cost of about $1 billion annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears quite modest in comparison with some of the other cost elements of our national security.

Thus, while the consumer may be paying a higher price for his petroleum products, the bulk of this additional cost is going to pay the wages and salaries of American petroleum industry workers who would be unemployed if the oil were derived from a foreign source. Those who feel as I feel about unemployment caused by cheaper foreign imports should consider carefully the effect any change in our current program will have upon employment in this country.

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

Mr. STEVENS. I am delighted to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I think the distinguished Senator from Alaska is making a very important statement this morning. I only regret there are not more Senators present in the Chamber to hear what he says, because if they were to hear him and to understand and comprehend the full significance of the facts that have been talked about in connection with abandoning the mandatory oil-import program which we presently have, and substituting for it some of the proposals made by the task force, I am certain it would be abundantly clear to everyone what the Senator is saying, insofar as the impact on labor is concerned.

Mr. President, I am glad to note that American union leaders meeting in Miami Beach, Fla., recently recognized the threat of cheaply produced foreign imports and have called a conference in Washington, D.C., for next month to study what they call the crisis in foreign trade. One of them said that labor concern would run head on into some aspects of President Nixon's policy of expanding free trade by lowering world trade barriers. I certainly agree with the observation of the AFL–CIO leaders that a rising flood of imported goods is forcing some American firms out of business and pushing hundreds of thousands of U.S. workers onto unemployment and welfare rolls. I do not believe, however, that the President is blind to these warnings nor will he trade off what protection we have left for domestic industries that are now threatened by this rising flood of imports.

I have joined Senators from textile, steel, shoe, and meat producing States in an effort to stem this flow and restore some semblance of balance to our import-export trade and stop the outflow of U.S. jobs to the countries that produce these goods at a fraction of U.S. labor costs.

I have said before, and I repeat, that it is entirely inconsistent to me that we should have minimum wage laws on one hand and cheaply produced foreign imports displacing our more highly paid workers on the other.

It simply does not make sense to spend Federal funds for unemployment and welfare to the workers of an industry that has been disrupted or displaced by imports nor can the American consumer in fairness expect industry to do the impossible which is to sell to him at prices that would be profitable only if industry paid wages nearer the foreign level. Such a level of wages has been made illegal by the American consumer and his elected representatives in Congress through minimum wage laws, obligatory collective bargaining, and other laws.

And I would hope that some of my colleagues who continue to decry the evils of shoe, textile, and dairy imports would be as realistic as the union leaders in Miami Beach who did not single out particular imports that should be allowed to reduce certain prices but directed their study to any import that threatens American industry. This certainly includes the flood of cheap foreign oil that could wreck the domestic oil and gas industry and leave this country at the tender mercies of those nations in the Middle East that control most of the world's oil reserves.

Mr. President, I ask unanimous consent that an American Press article pub-

lished in the Kansas City Times of February 14, from which I have quoted, be printed at this point in the RECORD in its entirety.

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

SEE PERIL IN IMPORTS: UNION LEADERS SAY THE INCREASING AMOUNT OF FOREIGN GOODS TO THE UNITED STATES IS DETRIMENTAL TO SOME AMERICAN FIRMS DUE TO WAGES—THEY NOTE CHEAP LABOR ABROAD NO PROFIT FOR BUYER HERE

MIAMI BEACH, FLA.—Union leaders said yesterday a rising flood of imported foreign goods is forcing some American firms out of business and pushing hundreds of thousands of U.S. workers onto unemployment and welfare rolls.

And, they said, consumers in this country get little or no price advantage because importers and retailers take the added profit from goods produced at lower foreign wage rates.

"The American consumer does not profit from cheap labor abroad," said Jacob Clayman, administrator of the AFL-CIO's Industrial Union department, embracing 60 unions with nearly half the labor federation's 13.6 million members.

Lester Null, president of the International Brotherhood of Potters, said that at the present rate American production of dinner ware would be completely dead in another five years and "the importers can then raise prices as high as they damn well please."

"We have to compete with workers in Hong Kong earning 15 cents an hour, workers in Japan earning 30 cents and workers in Spain earning 35 cents," Charles Feinstein, president of the International Leather Goods union, said.

"It makes you wonder who the hell won World War II," said Richard Livingston, secretary of the Carpenters union. He said Japanese wood imports have caused the layoff of 35,000 U.S. workers in Oregon and Washington lumber mills. Some mills have closed, he said.

The labor leaders, at a meeting of the AFL–CIO Maritime Trades department representing 27 unions with 7.5 million members, voted to join the Industrial Union department in a conference in Washington March 19–20 to study what they call the crisis in foreign trade.

Nathaniel Goldfinger, chief economist of the AFL–CIO, said the labor concern over imports would run head on into some aspects of President Nixon's policy of expanding free trade by lowering world trade barriers.

Paul Hall, president of the Seafarers' union and the maritime traders group, said the unions must work together to bring pressure on Nixon. "That's the name of the game, pressure," Hall said.

Mr. HANSEN. Mr. President, I think the Senator from Alaska is making a very worthwhile, a very substantial, a very important, and a very critical contribution to a subject about which the average American knows all too little. I can only say that I am most appreciative and extremely proud of the very fine contribution the Senator from Alaska has made.

Mr. STEVENS. I thank the Senator from Wyoming.

Mr. President, a further undesirable effect of purchasing large quantities of oil from foreign sources would be the worsening of our balance of payments and liquidity of assets situation. The U.S. balance of trade, upon which this Nation relies to keep its balance of payments in order, has declined from a high of $6,987,000,000 in 1964 to only $1,262,000,000 in 1969. If we now alter our policy toward oil imports and begin importing large amounts of foreign oil, we will almost surely turn this surplus into a deficit.

The Commerce Department recently announced that our liquidity balance for 1969 showed a deficit of $7 billion. This means that there is in the hands of foreign private citizens and corporations 7 billion more American dollars in liquid assets than the citizens of this country hold in foreign liquid assets. To correct this imbalance in our liquidity position, we need to have foreign citizens purchase more of our goods, and we must refrain from purchasing as many of theirs. This will create a more favorable balance of trade and eventually restore a balance to our liquidity situation. It is clear that, at a time when we need to increase exports and decrease imports, it makes no sense to abolish our oil-import quota system and open the floodgates and our wallets to foreign oil. An increase in quotas at this time would have a most undesirable effect on our balance of trade and a disastrous effect on our liquidity balance and balance-of-payments situation.

THE ACTUAL PROFIT OF THE PETROLEUM INDUSTRY

There is another myth in this area—the persistent notion that our domestic producers reap and keep fantastic profits. This myth suggests we could slash prices and still have a competitive domestic petroleum industry. If our present system had brought windfall profits to the petroleum producers, it should have shown up in their percentage earned on invested capital. But in 1968, the average return on the net assets of petroleum companies was 12.9 percent, less than the 13.1 percent returned on the average by all manufacturing industries. Figures for the past 10 years show that the net return earned by oil producers has been below the average of other manufacturing industries consistently throughout the decade. One hundred thirty companies engage in the exploration, development, and production of crude oil in this country. There is no dominant company, not even a big three or big five; 30 different oil companies account for over half of the crude production and the largest among them supplies less than 10 percent of the total.

That is the description of competitive industry. We cannot give any less attention to the needs of domestic petroleum producers than we provide for other American manufacturers. To me, it is unwise to attempt to discredit an industry upon whose health and continued resourcefulness rests the long-term security of America, and it is national security which remains the foremost goal of our import control program.

It is unrealistic for anyone to assume that oil prices could escape the impact of rising costs—costs which the whole Nation has faced because of the insidious inflation we have encountered in recent years.

In spite of the effects of inflation, petroleum producers have held the price line. Yet in the Tax Reform Act of 1969 Congress added $500 million to the Federal taxes petroleum producers pay. This is in addition to $11 billion in taxes—amounting to 21 cents per dollar of gross revenue—or more than three times the 6.6 percent accounted for by the average U.S. corporate enterprise—already paid annually by the oil industry. As the chairman of the House Ways and Means Committee, Representative WILBUR MILLS, stated to the President's Task Force on Oil Import Controls last July, when the tax reform bill was passed by the House:

If at the same time Congress is reducing depletion allowances, it develops that imports of oil are increased, the combination of the two could be injurious to the development of further reserves in the United States.

This telegram aptly expresses my fears.

OIL IN ALASKA

Mr. President, let me be frank about my interest as an Alaskan in the complex problem of the cost of oil. As every Member knows, the largest oil fields in North America were recently discovered in the North Slope area of my State. Already the oil-producing industry has committed over $1 billion to bring this oil to American markets. This $1 billion and billions more required in the next years will be invested in an area where our Alaska native people live in abject poverty, where the average life expectancy of the Alaska native is less than 45 years, and where the true unemployment rate is in excess of 20 percent.

When North Slope production is underway, oil produced in 1 year will equal or exceed the $400 million worth of gold which was discovered during the entire Klondike gold rush era. I am deeply concerned that our future oil policy not hamper the development of this resource which will bring to my State a full share of the prosperity of this Nation.

We must recognize the tremendous challenge to the oil industry to meet expanding U.S. petroleum requirements. We are not running out of oil; we are running out of easily accessible, low-cost oil. We have tapped most of the deposits only a few thousand feet beneath the surface. Future production must come from deeper zones and from more remote areas such as our Alaskan Arctic.

Let me quote, from the "Energy Memo" of the First National City Bank of New York, the words of Edward Symonds, senior economist:

Looking ahead, it appears that oil companies may have to spend as much as $8,000 for every additional barrel per day of demand in the non-communist world. This would give rise to an estimated investment of over $200 billion to provide for the additional demand expected to arise over the next eleven years. This would be the equivalent to as much as one-fifth of the total new financing by private industry in the United States. The need to meet such heavy capital calls will have far-reaching implications for the economy as a whole. It also presents a real challenge to company man-

agement in devising a balanced financial package for the future.

Exploration companies spent $6 billion in 1968 to find oil. They will need billions more to send their rigs and crews out to frozen tundra and rolling seas. The Department of the Interior has estimated that we must find 4.5 billion barrels per year of new reserves. Even when North Slope production reaches its full output in 1975, Alaska will be supplying only 10 percent of the Nation's requirements. At that same time, production is forecast to be peaking and even in decline in some established areas. By 1980, it has been estimated that U.S. production east of the Rockies will be declining at an annual rate of 300,000 barrels per day.

I am not trying to raise specters; we need to sketch out clearly the crisis which will follow when our consumption rate outstrips discovery. Now is a critical time; what the Nation establishes as its import control policy this year will determine our sufficiency and security for at least the next decade.

It can take up to 7 years to bring a discovery into full production. Wells on the North Slope of Alaska will not flow at a maximum for at least 6 years after discovery. At this moment we are determining the kind of climate this industry will operate in over the next decade and the kind of national security this Nation will enjoy for years beyond that.

Our oil industry as a business will meet added costs as they are in other businesses, by siphoning funds out of nonincome areas such as exploration. The cost squeeze has already driven the number of exploratory wells down drastically—to less than 9,000 in 1968 from 14,500 in 1957. A lower crude price structure would most certainly eliminate the development of technology for converting shale oil and creating synthetic oil. Investments which will yield no return for years require stability. And, it is my opinion that, if it had not been for the stability that our present oil quota program has generated, Alaskan oil would probably have remained undiscovered.

OTHER CONSEQUENCES

A shortsighted approach to the problem of our oil import quota system ignores long-range consequences that abolition of this system would have. I list them briefly:

First, the development of future sources of domestic petroleum, natural and synthetic, would decline and eventually wither away. Any drastic change in our present program is the beginning of a longrun spiral into dependence on foreign sources.

Second, an increase in resources cost, what Mr. Train identified as "added resources of labor, materials, equipment, and capital required to produce additional oil in the United States and to provide other forms of emergency oil supplies," will be experienced through expenditures to protect our foreign supplies in unstable parts of the world and to provide for reserve productive facilities. Such costs can only be paid for by increased taxes.

Third, the natural gas supply pinch we now have with us will steadily worsen. Almost all gas deposits have been discovered incidental to oil exploration. A serious cutback in oil exploration will halt any significant increase in our shrinking natural gas supplies. And, as our gas demand exceeds supply, prices for natural gas will also go up.

Fourth, the local economies of 31 oil-producing States will suffer by the loss of needed revenues and dislocation of a substantial portion of their work force.

Mr. President, because of the reasons I have discussed above, it is imperative that this Congress make certain that no change in its existing oil-import quota program will occur without a full and open discussion of the issues involved.

The legislation I have introduced today codifies the basic structure of our present mandatory import program and recognizes the interests of national security inherent in a secure source of petroleum supplies.

This legislation will preserve all exemptions presently granted and will recognize some of the unique problems of the various sectors of our Nation, such as the New England States and Hawaii.

I am aware of the inequities related to the New England States due to our present program. In response to that situation, this legislation proposes the subdivision of district I into district Ia, New England; Ib, the Middle Atlantic States; and Ic, the South Atlantic region. To alleviate the shortages which the rapid growth of these areas have brought about, this legislation would provide immediately an additional quota of 20,000 barrels per day of finished product for district Ia; 10,000 barrels per day for Ib; and 20,000 barrels per day for district Ic. This legislation also recognizes the need for flexibility by granting to the President of the United States the authority to change the quota by 10 percent in any 12-month period. Thus, the President can respond to a surge in demand in any of the districts by directing a larger quota to that area. This bill will allow the construction of local refineries, when necessary, which could utilize the special allotment.

On the other side of the continent, the State of Hawaii must import all of its oil requirements. This bill declares Hawaii and Alaska to be in a new district VI, where foreign fuel can be imported under the same formula as in district V. This will attend to Hawaii's special needs.

The bill is far reaching in nature, but does not fall into the easy trap of abolishing a good system for bad reasons.

Because of the complexity of the proposed legislation, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

Mr. STEVENS. I also ask unanimous consent that an important statement made by Capt. Emory C. Smith, Director of the Naval Petroleum and Oil Shale Reserves, Washington D.C., to the 10th annual Washington meeting of the Arctic Institute of North America, be printed in the RECORD at the conclusion of my remarks. This statement sets forth the future of Naval Petroleum Reserve No. 4 as an emergency supply source of petroleum.

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

(See exhibit 1.)

The bill (S. 3477) to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States, introduced by Mr. STEVENS (for himself and Mr. BELLMON), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3477

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 "Oil Import Act of 1970".

TITLE I—OIL IMPORT QUOTAS

DEFINITIONS

SEC. 101. For purposes of this title—

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State or local government, but does not include a department, establishment, or agency of the United States.

(b) (1) "District I" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(2) "District IA" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

(3) "District IB" means the States of New York, New Jersey, and Pennsylvania.

(4) "District IC" means the States of Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(c) "Districts II–IV" means all of the States of the United States except those States within District I, District V, and District VI.

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V and District VI.

(e) "District V" means the States of Arizona, Nevada, California, Oregon and Washington.

(f) "District VI" means the States of Alaska and Hawaii.

(g) "Crude oil" means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products and the initial liquid hydrocarbons produced from tar sands.

(h) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) liquefied gases—hydrocarbon gases such as ethane, propane, propylene, butylene, and butanes (but not methane) which are recovered from natural gas or produced in the refining of petroleum and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmosphere pressures;

(2) gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) jet fuel—a refined petroleum distillate used to fuel jet-propulsion engines;

(4) naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybold universal at 100° F. and crude oil which has a viscosity of not less than 45 seconds Saybold universal at 100° F. minimum viscosity and which is to be used as fuel without further processing other than by blending by mechanical means; and

(8) asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(i) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in paragraphs (2) through (5), inclusive, of subsection (h).

(j) "Unfinished oils" means one or more of the petroleum oils listed in subsection (h), or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

(k) "Petroleum oils" includes liquid hydrocarbons derived from crude oil.

(l) "Secretary" means the Secretary of the Interior.

REGULATION OF ENTRIES

SEC. 102. (a) In Districts I–IV, District V, District VI, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, and no foreign crude oil, unfinished oils, or finished products may be brought into a foreign trade zone in Districts I–IV, District V, or District VI for processing within the zone, except—

(1) by or for the account of a person to whom a license has been issued by the Secretary pursuant to an allocation made to such person by the Secretary in accordance with regulations issued by him, and such entries, withdrawals, and shipments into foreign trade zones may be made only in accordance with the terms of such license,

(2) as authorized by the Secretary pursuant to subsection (b) of this section,

(3) as to finished products, by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of subsection (c) of this section, or

(4) crude oil, unfinished oils, or finished products which are transported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils or finished products, is also the country of production of the crude oil from which they were processed or manufactured.

(b) The Secretary may, in his discretion, authorize entries without a license of small quantities of crude oil, unfinished oils, or finished products, including samples for testing or analysis, baggage entries, and informal entries.

(c) In Districts I–IV, District V, and District VI, and in Puerto Rico, no department, establishment, or agency of the United States shall import finished products in excess of the respective allocations made to them by the Secretary. Such allocations shall be within the maximum levels of imports established in section 103.

MAXIMUM LEVELS OF IMPORTS

SEC. 103. (a)(1) In Districts I–IV, for a particular allocation period the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be an amount equal to the difference between (a) 12.2 percent of the quantity of crude oil and natural gas liquids which the Secretary estimates will be produced in these districts during the particular allocation period and (B) the quantity of imports of crude oil, unfinished oils, and finished products excepted by section 102(a)(4) which the Secretary estimates will be imported into these districts during that allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I–IV during that allocation period will exceed the quantity so shipped during a comparable base period in the year 1965. As used in this paragraph, the term "natural gas liquids" means natural gas products and other hydrocarbons such as isopentane, propane, and butane, or mixtures thereof, recovered from natural gas by means other than refining. Within such maximum level, imports of unfinished oils shall not exceed such percentum of the permissible imports of crude oil and unfinished oils as the Secretary may determine and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed the level of imports of such products into these districts during the year 1957 except as the Secretary may find it necessary to adjust the 1957 level to accommodate an allocation made pursuant to the last sentence of section 105(b)(4).

(2) In addition to the maximum level of imports provided in paragraph (1), there may be imported into District I during a particular allocation period a quantity of finished products (other than residual fuel oil to be used as fuel) equal to not more than 50,000 average barrels per day, of which quantity there may be imported for consumption within District IA 20,000 average barrels per day, District IB 20,000 average barrels per day, and District IC 10,000 average barrels per day.

(b) In District V and in District VI, the maximum level of imports of crude oil and finished products shall be an amount which, together with domestic production and supply and imports excepted by section 102(a)-(4), will approximate total demand as estimated by the Bureau of Mines for periods fixed by the Secretary and, for purposes of such limitations, imports of unfinished oils shall be considered to be the equivalent of imports of crude oil on the basis of such ratios as the Secretary may establish. Within such maximum levels, imports of finished products shall not exceed the level of imports of such products into District V and District VI during the calendar year 1957. Imports of unfinished oils as such (without respect to the requirement of equivalence) shall not exceed such per centum of the permissible imports of crude oil as the Secretary may from time to time determine.

(c) The maximum level of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, and District VI for a particular allocation period shall be the level of imports of that product into those districts during the calendar year 1957 as adjusted by the Secretary as he may determine to be consonant with the objectives of this title.

(d) The Secretary, having taken into account the standards prescribed for allocation of imports of crude oil and unfinished oils into Puerto Rico, any actions taken pursuant to section 106, and shipments from Puerto Rico into Districts I–IV, District V, and District VI, shall establish for each allocation period a maximum level of imports into Puerto Rico of crude oil and unfinished oils which, in his judgment, is consonant with the objectives of this title. The maximum level of imports of finished products into Puerto Rico for a particular allocation period shall be approximately the level of such imports during all or part of the calendar year 1958 as determined by the Secretary to be consonant with the purposes of this title or such higher level as the Secretary may determine is required to meet a demand in Puerto Rico for finished products that would not otherwise be met.

(e) The levels established, and the total demand referred to, in this section do not include free withdrawals by persons pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. § 1309), or petroleum supplies for vessels or aircraft operated by the United States between points referred to in said section 309 (as to vessels or aircraft, respectively) or between any point in the United States or its posessions and any point in a foreign country.

ADJUSTMENT BY PRESIDENT

SEC. 104. (a) The President may, by executive order, from time to time adjust the level of imports provided for Districts I–IV by section 103(a)(1) and the additional quantity of finished products provided for District I by section 103(a)(2).

(b) No adjustment may be made under subsection (a) during any calendar year which (together with any prior adjustments made during the same calendar year) would increase or decrease the maximum level of imports provided by section 103(a)(1) by more than 10 percent. No adjustment may be made under subsection (a) during any calendar year which (together with any prior adjustments made during the same calendar year) would increase or decrease the additional quantity of finished products which may be imported into District I under section 103(a)(1) by more than 5,000 average barrels per day.

ALLOCATION OF IMPORTS

SEC. 105. (a) The Secretary is hereby authorized to issue regulations for the purpose of implementing this title. Such regulations shall be consistent with the levels established in this title for imports of crude oil, unfinished oils, and finished products into Districts I–IV, District V, and District VI and into Puerto Rico, and shall provide for a system of allocation of the authorized imports of such crude oil, unfinished oils, and finished products and for the issuance of licenses pursuant to such system, with such restrictions upon the transfer of allocations and licenses as may be deemed appropriate to further the purposes of this title.

(b) (1) With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI, such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in

these districts in relation to refinery inputs (excluding inputs of crude oil or unfinished oils imported pursuant to section 102(a)(4)). The Secretary may by regulation also provide for the making of allocations of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs to such plants (excluding inputs of crude oil or unfinished oils imported pursuant to section 102(a)(4)). Provision may be made in the regulations for the making of such allocations on the basis of graduated scales. Notwithstanding the levels prescribed in section 103, the Secretary may also by regulation make such provisions as he deems consonant with the objectives of this title for the making of allocations of imports of crude oil and unfinished oils into Districts I–IV, District V, and District VI to persons who manufacture from crude oil and unfinished oils (other than crude oil or unfinished oils imported pursuant to section 102(a)(4)) and who export finished products and petrochemicals, subject to such designations as the Secretary may make.

(2) Such regulations shall provide for the allocation of imports of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of estimated requirements, acceptable to the Secretary, of each such person for crude oil and unfinished oils. The regulations shall provide also that if, during a period comprising the same number of months as an allocation period and ending three months before the beginning of the allocation period, any such person ships to Districts I–IV, District V, or District VI unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which are shipped to Districts X–IV, District V, or District VI in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the year 1965, the person's allocation for the next allocation period shall be reduced by the amount of the excess. In addition, the Secretary may provide by regulation for the making, in instances in which the Secretary determines that such action would not impair the accomplishment of the objectives of this title, of allocations of imports of crude oil and unfinished oils into Puerto Rico to persons as feedstocks for facilities which will be established or for the operation of facilities which are established and which in the judgment of the Secretary will promote substantial expansion of employment in Puerto Rico through industrial development, and such negotiations shall provide for the imposition of such conditions and restrictions upon such allocations as the Secretary may deem necessary to assure that any imports so allocated are used for the purposes for which an allocation is made and that the holder of such an allocation fulfills commitments made in connection with the making of the allocation.

(3) Except for crude oil or unfinished oils imported pursuant to special relief granted pursuant to section 106, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that exchanges for domestic crude or unfinished oils may be made if otherwise lawful, if effected on a current basis and reported in advance to the Secretary, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant.

(4) With respect to the allocation of imports of finished products, other than residual fuel oil to be used as fuel, into Districts I–IV, District V, District VI, and Puerto Rico, such regulations shall, to the extent possible, provide (A) for a fair and equitable distribution of imports of such finished products among persons who have been importers of such finished products into the respective districts of Puerto Rico during the respective base periods specified in section 103, and (B) for the granting and adjustment of allocations of imports of such finished products in accordance with procedures established pursuant to section 106. In addition, the Secretary shall make an allocation of imports into Districts I–IV of finished products other than residual fuel oil to be used as fuel, in accordance with existing contractual commitments and obligations heretofore entered into to promote employment or substantially to upgrade opportunities for employment of Virgin Islanders or substantially to increase revenues received by the Virgin Islands.

(5) With respect to the allocation of imports of residual fuel oil to be used as fuel into Districts II–IV, District V, District VI, and Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into the respective districts or Puerto Rico during the respective base period specified in section 103. In addition, in District V, District VI, and Puerto Rico, the Secretary by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulfur content of which is acceptable to the Secretary (A) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in the respective districts or Puerto Rico, and (B) among persons who are in the business in the respective district or Puerto Rico of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (A) among persons who were importers of that product into such district during the calendar year 1957, (B) among persons who are in the business of District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, and (C) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocations of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, District VI and Puerto Rico, such regulations shall also provide, to the extent possible, for the granting and adjustment of allocations of imports of residual fuel oil to be used as fuel in accordance with procedures established pursuant to section 106.

(c) Such regulations may provide for the revocation or suspension by the Secretary of any allocation or license on grounds relating to the national security, or the violation of the provisions of this title, or of any regulation or license issued pursuant to this title.

(d) The Secretary of the Interior shall keep under review the supply-demand situation with respect to asphalt in District I, Districts II–IV, District V, District VI, and Puerto Rico, and, as he determines to be consonant with the objectives of this title, he may in his discretion (1) establish, without respect to the levels of imports prescribed in section 103, a maximum level of imports of asphalt for District I, or District II–IV, or District V, or District VI, or Puerto Rico and, notwithstanding the provisions of subsection (b)(4) of this section, establish a special system of allocation of such imports, or (2) permit the entry for consumption or the withdrawal from warehouse for consumption of asphalt in District I, or Districts II–IV, or District V, or District VI, or Puerto Rico, without allocations or licenses, notwithstanding the provisions of section 102.

(e) Notwithstanding the levels established in section 103 and the provisions of subsection (b) of this section, the Secretary may provide by regulation for additional allocations of imports of crude oil and unfinished oils to persons in Districts I–IV, District V, and District VI who manufacture in the United States residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary, in consultation with the Secretary of Health, Education and Welfare. These allocations to each of such persons shall not exceed the amount of such residual fuel oil produced by that person.

APPEALS BOARD

SEC. 106. (a) The Secretary is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to section 105. The Appeals Board shall be comprised of a representative each from the Departments of the Interior, Defense, and Commerce to be designated respectively by the heads of such Departments.

(b) The Appeals Board may be empowered, within the limits of the maximum levels of imports established in section 103 (1) to modify, on the grounds of exceptional hardship or error, any allocation made to any person under such regulations; (2) to grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; (3) to grant allocations of finished products on the ground of exceptional hardship to persons who do not qualify for allocations under such regulations; and (4) to review the revocation or suspension of any allocation or license. The Secretary may provide that the Board may take such action on petitions as it deems appropriate and that the decisions by the Appeals Board shall be final.

FURNISHING OF INFORMATION

SEC. 107. Persons who apply for allocations of crude oil, unfinished oils, or finished products and persons to whom such allocations have been made shall furnish to the Secretary such information and shall make such reports as he may require, by regulation or otherwise, in the discharge of his responsibilities under this title.

DELEGATION OF AUTHORITY

SEC. 108. The Secretary may delegate, and provide for successive redelegation of, the authority conferred upon him by this title. All departments and agencies of the Executive branch of the Government shall cooperate with and assist the Secretary in carrying out the purposes of this title.

EFFECTIVE DATE; TERMINATION OF NONSTATUTORY QUOTAS

SEC. 109. (a) The provisions of this title shall take effect on the first day of the first month which begins more than 30 days after the date of the enactment of this Act.

(b) Effective with respect to periods beginning on or after the effective date of this title, the provisions of Presidential Proclamation No. 3279, as amended, shall cease to have any force or effect, but the provisions of this title shall be construed as a replace-

ment and continuation of the provisions of such Proclamation.

(c) On and after the effective date of this title, the provisions of section 232 of the Trade Expansion Act of 1962 shall not apply with respect to crude oil, unfinished oils, and finished products (including residual fuel oil to be used as fuel).

TITLE II—RECIPROCAL TARIFF

IMPOSITION OF DUTIES

SEC. 201. (a) In the case of crude oil, unfinished oils, or finished products imported into the customs territory of the United States which are produced in a foreign country which imposes a duty on the importation into such country of crude oil, unfinished oils, or finished products produced in the United States, the rate of duty shall not be less than the rate of duty imposed by such foreign country on crude oil, unfinished oils or finished products produced in the United States.

(b) For purposes of subsection (a), the terms "crude oil", "unfinished oils", and "finished products" have the meaning assigned to them by section 102 of this Act.

CHANGES IN TARIFF SCHEDULES

SEC. 202. The President is authorized and directed to proclaim, from time to time, such changes in the Tariff Schedules of the United States as may be necessary to reflect duties imposed by section 201.

EXHIBIT 1

THE ROLE OF NAVAL PETROLEUM RESERVE NO. 4 ON THE NORTH SLOPE

(A paper presented by Capt. Emory C. Smith, JAGC, U.S. Navy, Director, Naval Petroleum and Oil Shale Reserves, Washington, D.C., to the 10th annual Washington meeting of the Arctic Institute of North America)

It is often said that past is but the prologue of the future. Perhaps by looking at what has gone before on the North Slope we can make some projections as to the course of future events there.

The days were still fairly short and brisk winds off the Beaufort Sea continued the bitter cold on that Spring day of 1917 when the eyes of Alexander Malcolm (Sandy) Smith were the first of a non-native to see large oil seepages near Cape Simpson. The seepages were confirmed in 1921. World War I had shown that our Navy would require immense quantities of oil and in 1923 the President established Naval Petroleum Reserve No. 4 in an effort to provide oil when and if needed. Cape Simpson was included within that reservation. The Navy thereupon requested the Geological Survey to examine and report upon Naval Petroleum Reserve No. 4 and financed the work. During the four years of 1923–1926 the Geological Survey sent exploratory geologic and topographic parties into the Reserve and the broad outlines of the general geology and topography of the area were worked out in a reconnaissance fashion.

From 1926 until 1943, Naval Petroleum Reserve No. 4 received little specific attention in the Navy Department. However, World War II—mechanized beyond previous imagination—required almost unbelievable quantities of petroleum products. Global distances shortened as better, faster, longer range aircraft were developed. Of necessity reliance on foreign imports in those days placed heavy and exacting demands on the Navy in ships, aircraft and men in convoying oil to the United States. German submarines took a costly toll. In addition, we were called upon to furnish oil to our European Allies. Severe rationing became necessary on the home front. Too, there was the heavy additional cost of rail tank-car movement to take care of the West Coast and Western Pacific oil requirements. To compound it all, the Japanese at the very beginning of the war cut off crude rubber supplies and our synthetic rubber industry—rubber produced from oil—had its beginning.

The whole pattern was such that there was need for a more complete knowledge of the petroleum potentialities of Naval Petroleum Reserve No. 4. Speculation about the Reserve and its possible petroleum resources took account of several possibilities—if the area contained large oil reserves, perhaps it would be possible to pipe the crude oil to the Pacific Coast for shipment outside Alaska; maybe it should be refined in northern Alaska; possibly it could be used for Alaskan needs only, thereby saving the cost of transporting petroleum to Alaska; refining on the Reserve might provide products to supply bases in the Arctic; perhaps the oil would be refined in central Alaska or on the Pacific Coast of Alaska and distributed from there. In January of 1943, the Secretary of the Interior Department issued Public Land Order 82 which withdrew from all forms of entry for use in the prosecution of the war among other parts of Alaska all of Alaska north of the Brooks Range.

In March of 1943, Lt. W. T. Foran, a Naval Reserve officer, prepared a memorandum in which he set forth some reasons for taking a more careful look at Naval Petroleum Reserve No. 4. With careful Navy consideration and interpretation of plans with the Department of Interior, a decision concurred in personally by President Roosevelt was made in the winter of 1944 to send a small reconnaissance party to the Reserve. The departure of Lt. Foran's party in March 1944 was the birth of the exploration program that soon came to be known as "Pet-4" continued from that time, March 1944, for almost ten action-packed years of petroleum exploration. For the first few years Naval Petroleum Reserve No. 4 was a Naval Construction Battalion operation, but with the end of the war, followed by the general rush toward demobilization, it was decided to change as rapidly as possible to a civilian contract operation.

The program was fully recessed in the Fall of 1953. It had been successful in yielding a wealth of technical information sufficient for a partial appraisal of the petroleum reserves in large parts of the area. These reserves are substantial and about one major and two minor oil fields, six gas fields and numerous "shows" of oil were discovered. An outstanding product of Naval Petroleum Reserve No. 4 was the acquisition of a vast store of know-how in Arctic operations in many fields.

Much was learned, for example, about providing livelihood and livable working conditions for substantial numbers of men previously inexperienced in the Arctic and about transportation of personnel, equipment, and supplies in summer and winter for water, air and land. Geological and geophysical exploration covered substantially the entire North Slope. All of this data at the instance of and funding by my office was published and placed on open file for the public generally by the Geological survey and has been an invaluable aid to the present exploration of the Slope by industry outside the Reserve.

The Naval Petroleum Reserve No. 4 operations originally grubstaked the Navy's Arctic Research Laboratory within the Reserve at Point Barrow. This was an early recognition by the Navy of the need for study of the problems created by the hostile arctic environment. As the years have passed that laboratory continues to be the best friend of the ecologist, the conservationist and the oil explorer in the Alaskan Arctic. And as activity is heightened all along the slope the Navy's Arctic Research Laboratory has a great and continuing role to play in assisting America to find that happy accommodation between reasonable development and protection of the natural environment.

Following the cessation of exploratory activities by the Navy on the North Slope, Public Land Order 82 was modified to return those lands outside the Reserve to the public domain. Eventually some of the lands passed to the State of Alaska and were subsequently leased out at the celebrated sales held by the State of Alaska. As you all know it is on those leased lands that recent prolific discoveries have been made.

By a special law of 1962, the Navy was authorized to develop the South Barrow Gas Field and to supply gas to the native village of Barrow as well as to the various federal activities located there. Presently, there are four producing wells there and another development well is planned for next month. Practically all of the Navy's Naval Petroleum Reserve No. 4 drilling rigs and equipment were eventually sold to private interests for about 10¢ on the dollar.

The discovery of oil in areas outside the Reserve has naturally prompted a renewed interest in its own potentiality. Such questions as the risk of drainage, the prospects of the deeper horizons, boundary problems and at the same time overriding questions as to the sufficiency of oil in reserve for national emergencies are all questions which tend to suggest a re-evaluation of the Government's interest in that Reserve.

When we talk about the security implications of Naval Petroleum Reserve No. 4 oil, I think we should talk in the fuller sense of the security implication of all the North Slope or better yet the implications to continental security of both Alaskan and Canadian Arctic oil. It also would seem to me that when we talk of emergency preparedness there is carried with it a connotation of reserve deliverability. In this connection, it must be kept in mind that the infra-structure of a viable prosperous domestic oil industry will, as always, be our chief fuel provider in times of national peril. Recalling the approximately one billion dollars paid by industry for State leases on the Slope at last September's sale and the plans of industry to spend a billion plus dollars on one pipeline and the costly Manhattan project, can't help but instill admiration in us all of an industry willing to assume unprecedented financial risks in seeking new sources of oil. With the prospect of a pay-out some years hence, business statesmanship and courage of this calibre have seldom been demonstrated quite like they have in Alaska.

Much of the case of the oil industry for a fair depletion allowance and import quotas have been based on, and quite rightly so, the need for reserves of crude oil for national emergencies within the United States. Must the oil industry be expected to undertake the principal burden of providing spare capacity? Generally, it is to be noted that spare capacity is a temporary phenomenon, normally eliminated within a year or two following major new discoveries, outside the "market demand" states. Thus, Texas and Louisiana are the only two states with significant spare capacity at the present time. Many authorities maintain that the prevailing system of conservation regulations cannot be depended on to produce and maintain indefinitely any particular amount of reserve capacity in aid of national security.

Others argue that the government, as the unit charged with responsibility for national security, should set aside petroleum reserves to be drawn upon in the event of emergency. In effect, these authorities are saying that government should stockpile petroleum for

defense, as it has done with other strategic minerals and products, utilizing the natural and efficient storage facility that the native reservoir is. Under such a proposal they assert that the nation can secure and maintain indefinitely a reserve of the precise size desired on national security grounds. The reserve can be made to grow, if desired, so as to maintain a constant ratio of reserve to demand, balanced by imports. They argue effectively that the proposal would place the financial burden of maintaining an untapped reserve capacity where it belongs.

Since the objective is national security, the burden belongs on the federal government proximately and the general taxpayer ultimately. It does not seem to belong on the petroleum industry proximately and landowners and product consumers ultimately. There is a fear that if the cost is borne involuntarily by industry, that industry will make adjustments, that jeopardize the objective. They argue additionally that a government oil reserve program of proper magnitude would free the industry of the threat to prices and access to markets posed by an overhang of industries own spare capacity.

On the North Slope it would seem that industry will get a faster pay out if the market is not glutted by the dumping of more public lands—State or Federal—for leasing. If the market it not so glutted, it would seem that the price of oil would achieve greater stability and both State and Federal Governments could expect greater revenues from lands offered for leasing at the appropriate time.

As to the future of Naval Petroleum Reserve No. 4, it is strictly a responsibility of the Congress. We can only assume that the laws as presently written affecting that Reserve will be continued and the Navy would have no plans for the Reserve other than as authorized by these laws for about a half century. The Navy has been assigned the stewardship of the Reserve not just for the Navy, but for the nation as a whole. Perhaps within the context of the considerations mentioned above, it would seem that in any eventuality Naval Petroleum Reserve No. 4 has a future, influential role in oil development on the North Slope as it has had in the past.

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

Mr. STEVENS. I yield.

Mr. TOWER. Mr. President, I commend the very distinguished Senator from Alaska for giving us an opportunity to study the oil import quota system in a responsible, rational, and dispassionate way.

The bill, as I understand it, would retain the import quota system substantially in its present form, but would eliminate some of the problems which have arisen as a result of certain administrative practices over the last few years.

This is a responsible program. Too often we attempt completely to abandon programs and projects which have, generally speaking, been good, but have, perhaps, had some flaws in them. The oil import quota program, generally, has worked well. It would be most grievous, now, to abandon it.

Again I commend my able and perceptive colleague from Alaska for his reasoned approach to a problem that has suffered recently from emotionalism and rather ill-considered attacks.

I should like to associate myself with the remarks of the Senator from Alaska.

Mr. STEVENS. I am indebted to the Senator from Texas for his kind comments. My only regret is that as we become a producing State, we do not have a lot more citizens coming in from that much smaller State of his, among those we call the "South 48." They are becoming very good citizens of the State of Alaska and we are happy to welcome them from the State of Texas.

Mr. TOWER. Mr. President, I disassociate myself from that last remark of the Senator from Alaska about Texas. [Laughter.]

Mr. BELLMON. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I am happy to yield to the Senator from Oklahoma.

Mr. BELLMON. I also would like to commend the Senator from Alaska on his statement. I believe that it will go a long way toward clearing up a great deal of misunderstanding now existing.

Insofar as the oil import program of the administration is concerned, I believe that the legislation which the Senator from Alaska has introduced will make it possible for many Members of Congress, who presently do not understand how the oil import program works and its importance and significance to this country's security, to understand this program. I believe that, once understood, there will be more general support for it.

I believe, also, that this legislation will have the effect of getting all the information out on the table where the consumer, as well as the Government official, will know the vital effect of this legislation on this country's petroleum supply and upon the security needs of this Nation. I believe that, in this way, we will be able to correct a great deal of the misinformation which has brought about this critical situation in my State and throughout other oil-producing areas in the country.

I am pleased to join as a sponsor of this legislation, and commend the Senator once more for bringing it to the attention of the Senate.

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

Mr. STEVENS. I yield, but first I wish to thank the Senator from Oklahoma and publicly acknowledge the support and assistance he has given me in the preparation of this bill along with that of the Representative from Texas, Mr. BUSH.

We have been working quite long and hard on trying to find a solution to the problems we all know about, principally the proposal to revise the oil import quota program and to substitute for it a tariff program. I hope that the bill I have introduced will receive attention and make people stop and think what an arbitrary and abrupt change in this program will mean for the economies of 31 States in the Union.

I am happy now to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, a few days ago, I wrote the President of the United States a letter, in which I made this statement:

A tariff on oil imports into the United States would be an unsatisfactory mechanism for achieving the precise volumetric control needed for national security.

A tariff designed to reduce the price of U.S. crude oil would endanger the national security by threatening the health of the domestic petroleum industry, putting the U.S. at the mercy of foreign countries whose interest may be opposed to our own, causing a further deterioration in our balance of payments position, and shifting the global balance of power away from us.

Even short-term price benefits which might accrue to the U.S. consumer from such a tariff would soon be swallowed up by an increase in world crude prices and in the price of domestic natural gas. Federal government increase in revenue from a tariff would be offset by a decline in domestic taxes and royalties and the states would lose in taxes, employment, and purchasing power.

The net result of a tariff would be a *loss* to the nation in military effectiveness, economic stability, and political influence.

Mr. President, I think that what the Senator from Alaska has said this morning, which has been so well documented and which reflects a very detailed and intensive study of the subject, certainly underscores the accuracy of the statement I made to the President of the United States.

Mr. STEVENS. Mr. President, I thank the Senator from Wyoming. I also want to thank the majority leader and the Senator from West Virginia for their courtesy in arranging time so that I could present this matter today. It is timely, and I appreciate their cooperation.

Mr. PERCY. Mr. President, will the Senator from Alaska yield for one question?

Mr. STEVENS. I am happy to yield to the Senator from Illinois, if I have any further time remaining. I think I have only 1 minute left.

Mr. PERCY. I think that might suffice.

I have a technical question on what we might look forward to from the vast oil resources of Alaska.

As I understand it, an applicant from my State, Commonwealth Edison Co., has now applied for an import license for 6 million barrels of oil in order to convert one of its plants to low sulfur fuel from the high sulfur content coal which they are now burning in order, of course, to reduce pollution.

I was surprised to find that oil was not available from any domestic source and I have been so advised.

Can we, therefore, look forward to this type of fuel oil from Alaska so that we would not have to depend upon foreign sources and we can now look forward to domestic sources, such as from Alaska?

Mr. STEVENS. I am very happy to report to the Senator from Illinois that our oil does include the low sulfur fuel oil, and that when we are able to complete the pipeline and begin exporting 3 to 3½ million barrels a day, the price of oil in the Senator's area should be substantially lower. But if we change the oil import quota program now, so that there is no incentive to continue to de-

velop at the present time, Alaskan oil may not become available, because no domestic producer will produce oil to try to ship it to what we call the "South 48" unless it is financially possible to do so. Under a tariff system, he would have no incentive to produce—or even look for new deposits. The quota system has the unique advantage of providing a subsidy to marginal producers and stimulate exploration for domestic reserves. Without the oil import quota program, the domestic industry would never have gone into my State, which is a high-cost, hostile environment State so far as oil production is concerned.

We will have, I hope, within the next 5 years, a pipeline directly into the Senator's area, to bring the Senator's area crude oil which can be refined into products in the Senator's area to meet his needs.

Thank you, Mr. President.

Mr. MANSFIELD. Mr. President, first I want to commend the distinguished Senator from Alaska for the well thought-out and detailed analysis he made today in depicting the plight of the domestic petroleum industry.

I am glad that he has joined the distinguished Senator from Wyoming (Mr. HANSEN), who has been like Jeremiah in the Senate, calling the attention of the administration to the difficulties which confront the independents in the United States.

I was particularly impressed with the Senator from Alaska's analysis. In explaining the need for the consideration deserved by the domestic industry, and in depicting the questions of supply and demand, and also the matter of resource reserves, Senator STEVENS contributed immensely to the understanding of the plight of the domestic petroleum industry.

This is a most important matter; a matter which affects a large number of States.

I do not believe that we can discuss it at too great a length. It is difficult indeed to get the message across. Senator STEVENS has assisted in the process and I want to commend the Senator—and other Senators from oil-producing States, who engaged in this colloquy this morning—for what he had to say, the way he said it, and the possible effect it might have downtown.

ORDER OF BUSINESS

The PRESIDING OFFICER. The time of the Senator from Alaska having expired, the Senate will now proceed with morning business under the previous order.

COMMITTEE MEETINGS DURING SENATE SESSIONS

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

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

EL PASO NORTH-SOUTH FREEWAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 649, H.R. 12535, and that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 12535, to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill 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. 91–656), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Army to release or modify on behalf of the United States the land use restrictions and reservations applicable to a tract of land not exceeding 6 acres, constituting a portion of a 24.25-acre parcel of land in El Paso, Tex., heretofore conveyed by the United States to the State of Texas, so that such tract may be conveyed by the State of Texas to the city of El Paso as a right-of-way for the construction of the El Paso North-South Freeway, which is a part of U.S. Route 54, a Federal-aid highway.

BACKGROUND OF THE BILL

An act of August 30, 1954, chapter 1081 (68 Stat. 974) directed the Secretary of the Army to convey a parcel of land within Fort Bliss Military Reservation to the State of Texas, subject to certain reservations, restrictions and conditions among which was the condition that the property be used primarily for training of the National Guard and for other military purposes and if such use should cease, title thereto shall revert to the United States together with all improvements made by the State of Texas during its occupancy.

Pursuant to the act of August 30, 1954, the Secretary of the Army on November 4, 1954, executed a deed conveying to the State of Texas the 24.25 acres of land comprising a portion of Fort Bliss Military Reservation. The deed contained the restrictions, reservations and conditions required by the authorizing act. If the State of Texas conveyed the 6 acres to the city of El Paso for highway purposes, the land would revert to the United States since a highway does not fall within the meaning of "National Guard and military purposes." It is thus necessary for the Congress to remove this particular restriction.

Therefore, the State of Texas, through the Texas National Guard Armory Board, requested that it be authorized to convey the 6-acre tract located within the 24.25-acre parcel to the city of El Paso, for the construction of the North-South Freeway. The proposed road construction, which is federally supported, will be routed from the Mexican border, crossing Fort Bliss, the 6-acre portion of State-owned land, and extending north to the city limits of El Paso. The bill now under consideration, if enacted, would authorize and direct the Secretary of the Army, on behalf of the United States, to release or modify the land-use restrictions and reservations applicable to the 6-acre tract so that such tract may be conveyed by the State to the city of El Paso for highway construction. The release and conveyance shall be on condition (*a*) that use of the property shall be only for public highway and related purposes and, if such use should cease, title thereto shall revert to the United States, (*b*) that structures and improvements presently located on, or adversely affected by the property to be conveyed, shall be replaced in kind at the expense of the city of El Paso on the remaining lands of the State of Texas, subject to approval by the State and Secretary of the Army, and (*c*) that such relocated replacement structures and improvements shall be subject to the same restrictions, use limitations, and reversionary rights reserved or retained in the 1954 deed of the United States to the State of Texas.

The Department of the Army considered that release of the restriction and reservations in the 6-acre tract of land, as provided in H.R. 12535, would not be adverse to National Guard training or future military requirements. The proposed use is for construction of a vital traffic artery, and will be beneficial to the local community, the State, and the Federal Government. As a general rule, the Department of the Army does not support the release or disposal of real estate interests without compensation. In this case, however, the objective of the State is not to obtain a release from all previous statutory conditions, but merely to release and modify the existing use restriction over a certain portion of land in the path of a freeway right-of-way which will not be incompatible with present or future uses of the land for military purposes.

FISCAL DATA

Enactment of this measure will have no apparent effect on the budgetary requirements of the Department of the Army.

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.

REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–259)

The PRESIDING OFFICER 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 Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to the Congress the second annual report of the National Science Board, pursuant to the provisions of P. L. 90–407. The report was prepared by the 25 distinguished Members of the policy-making body of the National Science Foundation.

The report recounts the state of knowledge in the physical sciences—astronomy, chemistry and physics—as well as how physical science research is carried out in the United States. It also makes a number of recommendations reflecting the importance that the Board ascribes

to the Nation's support of the physical sciences. I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER 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 Labor and Public Welfare:

To the Congress of the United States:

The cultural resources of our nation should be used to enrich as many lives and as many communities as possible. One way in which the Federal Government advances this goal is by contributing to the work of the National Foundation on the Arts and the Humanities, of which the National Endowment for the Humanities is a part. This Fourth Annual Report of the National Endowment for the Humanities tells of progress which has been made toward this goal in the last year and underscores the importance of renewing and extending these efforts.

As I transmit this report to the Congress, I would stress again that a nation that would enrich the quality of life for its citizens must give systematic attention to its cultural development. Last December I sent a message to the Congress proposing that funds for the National Foundation on the Arts and the Humanities be approximately doubled. I emphasized that the role of government in this area is one of stimulating private giving and encouraging private initiative. It is my earnest hope that the Congress will respond positively to this request, so that such efforts as are described in this report can become a base for even greater successes in the future.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

REPORT ON TRAINING OF EMPLOYEES IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER 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 Post Office and Civil Service:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1969, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT CONCERNING IMPLEMENTATION AND ADMINISTRATION OF THE FAIR PACKAGING AND LABELING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the implementation and administration of the Fair Packaging and Labeling Act by the Commission during fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EQUAL OPPORTUNITY IN HOUSING

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report on equal opportunity in housing (with an accompanying report); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached (Rept. No. 91-707).

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. INOUYE:

S. 3475. A bill for the relief of Helen O. McKinney; to the Committee on the Judiciary.

S. 3476. A bill to permit a retired Federal employee to designate a spouse of a remarriage as the recipient of a survivor annuity; to the Committee on Post Office and Civil Service.

(The remarks of Mr. INOUYE when he introduced S. 3476 appear later in the RECORD under the appropriate heading.)

By Mr. STEVENS (for himself and Mr. BELLMON):

S. 3477. A bill to impose statutory quotas on imports of petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Finance.

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

By Mr. TOWER:

S. 3478. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

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

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3479. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

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

By Mr. PROUTY (for himself, Mr. MURPHY, Mr. DOMINICK, Mr. HATFIELD, and Mr. PERCY):

S. 3480. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Labor and Public Welfare.

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

By Mr. LONG (for himself and Mr. ELLENDER):

S. 3481. A bill to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.; to the Committee on Public Works.

By Mr. ANDERSON:

S. 3482. A bill to amend title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

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

By Mr. McGOVERN (for himself and Mr. PROXMIRE):

S. 3483. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S. 3484. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

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

By Mr. FULBRIGHT (by request):

S.J. Res. 173. A joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States; to the Committee on Foreign Relations.

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

S. 3476—INTRODUCTION OF A BILL TO PERMIT A RETIRED FEDERAL EMPLOYEE TO DESIGNATE A SPOUSE OF A REMARRIAGE AS THE RECIPIENT OF A SURVIVOR ANNUITY

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, a bill that will correct an inequity in the laws relating to the retirement of civil servants.

Under the present law a civil servant may designate his or her spouse at the time of retirement to be the recipient of a survivor annuity. After retirement, this decision is irrevocable, and the retirement law will not permit the retiree to name another person for the survivor annuity should the named spouse divorce or predecease him. The restrictions on one's ability to designate a new recipient is inequitable and ought to be changed. It deprives a retiree of a right earned through his service in the Federal Government.

My bill will liberalize this feature of the retirement law by amending section 8339(a)(i) of title 5, United States Code, to permit the retiree to redesignate the recipient if he or she remarries and is married for at least 1 year. Section 8341 is amended to conform to the designation provision of section 8339(a)(i).

I believe that the amendment is a long overdue reform of the retirement law. It eliminates the heavy personal burden placed on the retiree, who otherwise might be unable to provide for his or her new spouse after the death of the retiree. I strongly urge my colleagues to support my effort to correct this deficiency in our retirement provisions.

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

The bill (S. 3476) to permit a retired Federal employee to designate a spouse of a remarriage as the recipient of a survivor annuity, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3478—INTRODUCTION OF A BILL TO CORRECT TAX INEQUITY AT WHITE SANDS

Mr. TOWER. Mr. President, the bill I am introducing today seeks to correct an inequity of our tax system which unfairly penalizes citizens merely because they live in one State and work in another. As the law is now interpreted, the State in which a Federal facility lies may tax the income of workers employed there even though they reside in another State.

This creates a situation more onerous than the "taxation without representation" system against which our forefathers rebelled. In the present case, a nonresident taxpayer is not only denied representation in the taxing State's legislature, but he is also denied any substantial tangible benefit from the taxing State. Clearly, this is not fair.

I realize, Mr. President, that there are many circumstances in which a State or a city imposes a so-called "commuter tax" on individuals who live in a suburb which happens to be across a State boundary from the central city. My bill does not attempt to infringe upon the legality of those taxes. There is justification for them because the workers there make use of public facilities and greatly increase the traffic burden of the employment center.

My bill is limited to "transactions occurring or services performed within a Federal area by any person who does not reside within such Federal area or within the State wherein such Federal area is located and who commutes to such employment." Thus, State taxes imposed on commuters in the New York City area are not covered because it is not a Federal area. State taxes imposed on citizens who live in a Federal area such as Los Alamos or White Sands, N. Mex., are not affected either. They do not meet the nonresident requirement.

This bill is designed to protect individuals who reside in one State and commute to work at a Federal installation which happens to be across the State border from paying the same amount of State tax that a resident of that State pays. It is patently unfair to charge a nonresident for benefits that only residents are able to enjoy. That is the inequity which my bill would correct.

There is, Mr. President, a safeguard in the bill which prevents nonresidents from enjoying, without charge, the governmental benefits of another State. The last clause allows one State to tax residents of another State who commute to work at a Federal area if "such State provides to such person material and proportionate benefits and protection." Stated simply, this clause allows a State to tax a nonresident commuter to a Federal area only in proportion to the benefits he receives from the State. It protects the nonresident from being taxed at the same rate as the resident while receiving far less benefit from the government of the State.

Mr. President, I am pleased to join with the Honorable RICHARD WHITE of Texas in proposing this legislation. Because our mutual constituents in El Paso, Tex., find themselves in the inequitable position which this bill is designed to prevent, he has introduced this bill in the other Chamber. I introduce its companion bill today and urge my colleagues to proceed to act upon it with all deliberate speed.

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

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

The bill (S. 3478) to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106 of title 4, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) No State may levy or collect any income tax on income received from transactions occuring or services performed within a Federal area by any person who does not reside within such Federal area or within the State wherein such Federal area is located and who commutes to such employment, unless such State provides to such person material and proportionate benefits and protection."

S. 3479—INTRODUCTION OF A BILL PROVIDING FOR THE CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, I introduce for appropriate reference, on behalf of myself and Senator ALLOTT, the ranking minority member of the Committee on Interior and Insular Affairs, a bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The bill has been submitted and recommended by the administration, and I ask unanimous consent that a letter from the Assistant Secretary of the Interior, dated February 11, 1970, explaining the need for this legislation be printed at this point in the RECORD.

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

The bill (S. 3479) to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 11, 1970.

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

DEAR MR. PRESIDENT: There is enclosed a draft bill "To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate committee for consideration and strongly urge its enactment.

Public Law 90-617 currently authorizes the appropriation of $50 million for the fiscal years 1970 and 1971, but it makes no provision for funding for the civil government of the Trust Territory beyond fiscal year 1971. Our proposed bill would increase the fiscal year 1971 authorization from $50 million to $60 million and would authorize an appropriation of such sums as may be necessary to carry out the purposes of the Act for each of fiscal years 1972 through 1975.

The Trust Territory of the Pacific Islands is administered by the United States pursuant to a strategic trusteeship agreement concluded in 1947 with the Security Council of the United Nations. Under this agreement the United States is charged with the promotion of political, social, educational and economic development. The Trust Territory was originally under the administration of the Secretary of the Navy but in 1951 administrative responsibility was transferred to the Secretary of the Interior.

Governmental responsibilities are carried out through a territorial government established by order of the Secretary of the Interior. The chief executive of the Trust Territory is appointed by the President with the advice and consent of the United States Senate. The territory has a bicameral legislative body composed of a twelve-member Senate and a House of Representatives with 21 members. The Judiciary is independent of the Executive and Legislative Branches and is headed by a chief Justice appointed by the Secretary of the Interior.

Over the years, substantial strides have been made in the development of political institutions and the establishment of the territorial legislative body, the Congress of Micronesia in 1964, was a major step in our efforts to extend to these people an ever increasing understanding of the principles of democracy. Educational progress also has been substantial and universal education through the twelfth grade has been established as an attainable goal. Utilization of the area's limited natural resources has lagged until recently although tourism and the utilization of the resources of the surrounding seas present immediate opportunities for gainful employment and income.

In mid-1969 the Secretary of the Interior and the High Commissioner of the Trust Territory appointed a Development Coordinating Committee to analyze the development problems and opportunities in the Trust Territory and to work with the Congress of Micronesia in presenting to the High Commissioner and the Secretary an action-oriented program which would promptly and positively move toward achievement of the objectives of the trusteeship agreement.

The four main goals of the program are: (1) improving of health and education programs and facilities in the Trust Territory; (2) developing a viable money economy in Micronesia, which requires land reform and public works improvements; (3) increasing the ability of Micronesians to communicate with each other and with the rest of the world; and (4) bringing more Micronesians into high-ranking and responsible positions in the Government, including bringing the Congress of Micronesia and the district legislatures directly into the Trust Territory planning and budget process.

The proposed program takes fully into account the following critical considerations:

The geographical dispersion and isolation of the islands and their peoples.

The historical base of development since 1951.

The domestic crises in land tenure.

Inadequate infrastructure.

The separation of subsistence and monetary sectors of the economy.

The shortage of Micronesian capital.

The level of education.

The lack of skilled manpower.

The increasing demand by Micronesians for a stronger voice in the management and future of their society.

Achieving these objectives at current costs will require the investment over the next five years of substantial sums. As in the past, education will account for a heavy portion of the expenditures. Over the five-year period, 1971 through 1975, funds will be required to operate elementary schools serving some 25,000 students as well as for secondary education and for pre-school training and adult, special and higher education programs. Since the school-age population cannot now be accommodated, a major school construction program will have to be continued with particular emphasis on secondary school requirements. School construction will require additional funds over the next five years.

The more specific goals of the proposed education program call for pre-school training to be provided annually to approximately 2,200 children aged five years by 1975. Virtually none exists now. The program provides for all educable children of elementary age to be in school with the first three grades comparable to that of the United States on an age/grade accomplishment equivalency. The 1975 goal is the accommodation of 80% of all elementary school graduates into the secondary school system. At present only 38% of all eligible 8th grade graduates are enrolled in high school. A major program of vocational training has been instituted and will be expanded to provide Micronesians with the basic skills necessary for life and meaningful employment in their society as well as the modern world.

Public Health represents a critical program which must be adequately supported to diminish the occurrence of preventable disease and to sustain a healthy population. Most of the funds required over the next five years will be for supplies and personnel engaged in medical programs reaching into the villages of the territory. However, these funds will also provide for a major teaching-referral hospital at Ponape, reconstruction of the Yap District hospital, the renovation or reconstruction of sub-district hospitals, and the building of dispensaries serving the smaller communities and outlying islands.

The goal of the health program is to establish a system of comprehensive environmental, dental, mental and preventive health services which will provide a level of public health equal to that of the United States. Achieving this goal will require the construction of a teaching-referral hospital on Ponape by 1973, to be staffed by specialists with the responsibility for upgrading the level of health services throughout the territory. Training of medical personnel will result in an increase of dental personnel from 57 to 90 in 1975 and the establishment of a health-aid training program which will develop adequate manpower to staff 141 dispensaries throughout the territory. The environmental and community health programs are designed to reduce the occurrence of epidemic water-borne, food-borne, and insect-and-rodent-borne diseases throughout the islands. This will include the development of community and individual water catchments and improved excreta disposal programs on the outer islands to complement the water and sewerage systems planned for the more heavily populated district center areas. It also includes the development of active pre-natal and post-natal clinics and programs aimed at improving child health and attacking venereal diseases, intestinal parasites, filariasis, and leprosy. Also included is a family planning program which is essential to child health and economic development in an area such as the Trust Territory, which has an extremely high birth rate.

One of the highest priority programs identified by the people of Micronesia is that of providing water, sewerage and power systems. Without this base there can be little real improvement in economic and social conditions. The accomplishment of objectives in health, education and economic development are directly related to the adequacy of such systems. As an indication of the urgency of the need, in 1968 less than 23% of the population was served with protected water supplies meeting minimum U.S. Public Health standards. The dumping of raw sewage into relatively closed lagoons created fecal coliform counts as much as 100,000 times the recommended limit. The consequence has been periodic epidemics of such diseases as hepatitis. These systems are anticipated to require substantial investment during the years 1971 to 1975.

The Congress of Micronesia is vitally concerned about economic development and cites roads, shipping facilities and airports as high priority items. Construction and improvement of such facilities is vital to education, health, commerce and the simplest operations of government and private enterprise in most areas of the Trust Territory. Most of the funds for transportation and communications will be devoted to capital improvement projects such as airports, dock and warehousing facilities, and roads. With the territory's 20 major population centers scattered across 3,000,000 square miles of ocean, such facilities are critical.

A program which is almost as important in its consequences as the health, education and infrastructure programs, is the need to develop a regional land tenure system which will adequately protect the needs of the people of Micronesia and serve as a base for future economic development. This problem needs a vigorous attack—one which has been started but which will require additional and continuing emphasis if it is to be successful. The public lands of the territory, about 267,000 acres, are inadequately identified. There is little in the way of a system to provide for official identification, registration, or adjudication of conflicting land titles and ownership. Surveys in the past have been minimal and the titles to the few properties which have been surveyed have not been adequately researched and are subject to dispute.

The achievement of the proposed program for the next five years will throw a major burden upon the people of Micronesia. It is proposed that to the maximum extent possible construction will be done with local contractors, using local labor and, wherever possible, using locally available building material. This will provide quality facilities at a lower price, and at the same time provide training, employment, and incomes for young people and those working at a subsistence level. Large projects, however, because of their complexity or magnitude, may continue to require outside contractors. Such outside contractors, however, are required to develop Micronesian skills so that the end result will be the availability of Micronesian capabilities to sustain the forward momentum of the action program.

The proposed bill would authorize amounts slightly in excess of presently programmed spending levels for the Trust Territory for fiscal years 1971 through 1975. This is to take into account the cost effect of pay equalization for Trust Territory Government personnel, as well as increases in building costs. The pay equalization plan will come into effect on January 1, 1971, in the middle of fiscal year 1971, accounting for the sharp increase for fiscal year 1972.

The Bureau of the Budget has advised that the proposed bill is in accord with and a part of the program of the President.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 3479

A bill to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, $5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, $50,000,000 and for fiscal year 1971, $50,000,000" and inserting in lieu thereof the following: "for fiscal year 1970, $50,000,000; for fiscal year 1971, $60,000,000; for fiscal years 1972, 1973, 1974, and 1975, such sums as may be necessary to carry out the purposes of this Act."

S. 3480—INTRODUCTION OF A BILL TO PROVIDE A CONSOLIDATED, COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

Mr. PROUTY. Mr. President, on behalf of myself, Mr. MURPHY, Mr. DOMINICK, Mr. HATFIELD, and Mr. PERCY, I introduce for appropriate reference a bill entitled the "Comprehensive Headstart Child Development Act of 1970," and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. Essentially the same bill was introduced on February 9 in the House of Representatives by Representative DELLENBACK of Oregon. We who are sponsor-

ing this bill, especially those of us on the Employment, Manpower, and Poverty Subcommittee of the Labor and Public Welfare Committee, share the belief that more work must be done in the field of early childhood development and day care. Thus, we are introducing similar legislation in the belief that increased visibility and investigation will enable educators and appropriate organizations to increase their expertise and services for the millions of children who can and should benefit. We do so with full knowledge that no legislative proposal is perfect when first introduced. We also understand that the administration may sponsor additional proposals in this area and anticipate supporting future measures which will bring about improvement and needed change. It is hoped that additional analysis now being done and future hearings will bring about further refinements of this most needed legislation.

This legislation is offered in recognition of the fact that there are approximately 13.3 million American children between the ages of 1 and 17 whose mothers work outside the home. Many receive little or no attention to their educational and emotional development needs and this is most often true for the 3 million such children from disadvantaged homes. Nevertheless, even the limited successes of Headstart have proven to many parents, especially the disadvantaged, just how important child care programs in the first 5 years can be. Others now want the same benefits for their children, but cannot afford services unless given the opportunity to gain additional family income. While one-fourth of our Nation's mothers who live with their husbands and pre-school-age children are already in the work force, more would seek the benefits of outside employment if only they knew their children could be provided suitable child care services at reasonable prices.

These numbers become much more significant when we realize how rapidly the trend to outside employment has developed. In 1952 only one-fifth of all wives worked, but by 1969 the ratio had increased to one-third. While the need for, and benefits of, such employment can only be evaluated on an individual basis, we may presume that this trend will continue. When such outside employment can help people sustain themselves without the benefit of welfare, can bring increased self-fulfillment and productivity to an individual mother, or better educational and social services to a child, we can only hope that the trend does indeed continue. At the same time, however, we must recognize the impact upon our Nation's children and insure their security by taking whatever steps are necessary to provide child care and development services that now are lacking. Should we fail to do so, we risk not only the proper development of these children, but the stability of our country that is increasingly beset with problems arising from loss of self-identity, self-fulfillment, and community awareness.

In looking at the present status of day care and child development, we find that even though there are possibly 61 Federal programs which could provide services, perhaps only seven do so in a meaningful way. Since less than one million children are reached, this means that well under 10 percent of the need is being fulfilled. Worse yet, there is poor coordination of existing services, no standards that apply to all, and little evaluation that can attest to what successes have been achieved or what improvements should be made. Therefore, one of the major contributions we hope this legislation will make possible is the consolidation and coordination of the seven programs that now provide funds for day-care and child-development services to underprivileged children. We are advocating consolidation and joint operation at both the Federal and the State level so that the widest range of services can be administered as efficiently as possible.

Recognizing that our present resources in this field are limited and that it will take quite some time to expand the range of services offered, a priority has been established that favors economically disadvantaged children first and then children of working mothers, whether or not they are disadvantaged. For those children who do come from disadvantaged homes, such services can mean the difference between an education and gainful employment for their families or a life of poverty with cultural or educational barrenness for the whole family. For those whose mothers are already working, such programs can provide educational and social stimulation that presently must be limited to factors outside the home or too precious few after work hours when mothers are often too tired to devote enough attention to their children.

In providing services to children of working mothers, it must be recognized that some mothers work because they need the additional income, whereas others do so to gain professional fulfillment, or even a chance to get out from time to time because they are unsuited to the burdens of housekeeping and child rearing. Since the needs of the children are most important, an opportunity for their participation must be considered. But for those whose mothers can afford it, this legislation requires payment on a sliding scale in accordance with their ability to pay. This means that a child from a disadvantaged home or with a working mother is eligible to participate but that if the family is able to pay for services rendered, it will do so. This also means that day-care and child-development programs are not limited only to the disadvantaged, that a blend of children from different backgrounds is possible, and that above all, the children who need help can get it.

In focusing on the needs of disadvantaged children and children of working mothers primarily, it cannot be forgotten, however, that there is much not yet known about the learning needs and learning processes of all children. Another major emphasis of this bill is upon research of child development. A proposed National Institute for Early Childhood Development and Education would be modeled after the National Institutes of Health to serve as a focus for research. It would conduct research and test findings through federally controlled programs and would coordinate research conducted under other Federal, university, and private auspices. Finally, the Institute could develop new model programs based on the findings of research, bringing together the experience gained in a variety of programs, whether or not they were developed for the disadvantaged, so that all possibilities can be pursued and evaluated.

While it is hoped that the results of such evaluations will lead eventually to the development of new and improved programs, the bill calls also for interim assessment of existing programs and reports to Congress of findings and recommendations.

Within this broad scope of investigation, we hope such fundamental questions as what range of services should be offered a particular age grouping, what training is necessary for teachers, will be pursued.

Preliminary assessment of the day care and child development field already indicates that there is much need for more trained personnel and adequate facilities. Thus the bill includes an additional authorization of $20 million under the Education Professions Development Act to train or retrain professionals and an equal amount to train paraprofessionals.

Grants are authorized to cover the costs of in-service programs and loan forgiveness is extended to those who teach in early childhood development programs. In extending training opportunities to paraprofessionals, we recognize that college degrees alone do not insure good teachers, but at the same time, some measures must be taken to the teaching effectiveness of those who have demonstrated teaching ability despite a lack of professional background. Equally important, the bill calls for active involvement of parents and volunteers, including teenagers and older Americans. This is done in recognition of the great contributions such people can make in the planning, development, and operation of these programs. While the children receive an immediate benefit, the volunteers also gain by making a meaningful contribution and parents benefit through increased awareness and participation in the techniques being used.

In the area of facilities development, much work remains to be done. Previous programs have been somewhat ineffectual because they are limited to minor remodeling and rehabilitation and because there has been little attention to the development of new designs, models, and standards.

Very often, renovation has proven more costly than the construction of new facilities, and the resulting array of facilities in old store fronts and church basements can only be considered stopgap measures at best.

In addition to calling for increased attention to the subject of what facilities are necessary, where they should be placed, and how they should be produced, the bill establishes several new mechanisms that will further the development of new facilities. Federal grants, loans, loan guarantees, interest subsidies, and

a new mortgage insurance—similar to that which spurred growth of nursing homes, hospital and group practice facilities—are authorized. Also, authorizations under the Neighborhood Facilities program of the Department of Housing and Urban Development are increased. It is hoped that these measures will assist private profit and nonprofit organizations to meet State licensing requirements in getting new mortgages for construction and remodeling of facilities.

It is with caution that these programs will apply not only to nonprofit but to profitmaking organizations as well. Many will question the involvement of private enterprise, and the fear of fostering new franchise chains has already been voiced. Nevertheless, to ignore this segment would be foolhardy for over one-half of the existing child care programs are operated by private, profitmaking groups. This legislation seeks to increase the opportunities offered, and therefore we have tried to include safeguards and incentives that will involve private enterprise in such a way as to insure quality standards of operation and maximum utilization of limited resources. Profitmaking centers will be allowed, provided they can afford the same standards of quality as public programs at equivalent or lower costs.

In addition to profitmaking centers, grants under the consolidated program may also go to any employer of 15 or more working mothers with pre-school-age children and, to be equitable, similar progams can be established for children of Federal employees. Thus, day care and child development services will not be limited to disadvantaged children in public facilities or to wealthy children in private nursery schools. Instead the Federal Government will recognize the prodigious effort and cost necessary to expand the range of services and will call upon private enterprise to assume a significant role. By noting the ability and willingness of private enterprise to contribute in this way, it is hoped the benefits can be extended to many more children.

The costs and methods of implementing this ambitious consolidation and improvement of services is hopefully keeping with our present resources. Since the bill does consolidate several existing programs, additional costs can be kept to a minimum through better administration and coordination. At the same time, the sliding scale of payments by those who can afford them and the involvement of private enterprise will help keep government expenditures to a minimum while simultaneously increasing the range and amount of services available. In addition to the $500 million now being spent, the bill authorizes an additional $123 million for training, research, facilities development, and program administration. Through phased implementation and the use of State commissions and plans, it is hoped that individual programs established under this legislation will meet the specific needs of local areas. New programs will be authorized and expanded only when the consolidated program has had time to function effectively. Within each State, individual commissions and plans will be used to insure fair representation of all persons concerned and give adequate attention to both urban and rural areas.

The need for improved day care and child development services has been amply demonstrated and this administration has already committed itself to more programs which will help children in the first 5 years of their lives.

Recent steps taken in furtherance of these objectives include the establishment of the Office of Child Development within HEW for administration of Headstart and the setting aside of 5 percent of Headstart funds for experimental curricula and programs. Additionally, the number of parent and child centers serving families with children under three has been doubled, and new day care programs for children of welfare mothers has been requested as part of the Family Assistance Act, the largest request by any administration for day care funds.

The bill we introduce today is intended to enhance and strengthen these efforts and the total commitment to preschool programs. We are hopeful that the Congress will take favorable action soon by enacting the proposals that have been introduced today.

I am indebted to the Senators who are cosponsors of this proposal and, particularly to the distinguished senior Senator of California (Mr. MURPHY) who has rendered yeoman service in behalf of the Nation's children.

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

The bill (S. 3480) to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, I am pleased to coauthor the Comprehensive Headstart and Child Development Act of 1970. I want to congratulate Senator PROUTY for his leadership in this area. Senator PROUTY, who is the ranking Republican on the Education Subcommittee, has made many important contributions in the education area and he enjoys a national reputation in this field. Certainly the introduction of this measure will add to that reputation.

I believe that there are two events which have given increased importance to child development and child care programs across the country.

First, there is a growing realization of the importance of the early years in a child's development. Growing evidence suggests that these early years are critical if children are to develop to their full potential. The significance of these early years can be seen from testimony by Dr. Benjamin Bloom of the University of Chicago who indicated to the Senate Labor and Public Welfare Committee, on which I serve, that as much intellectual development takes place by 3 years of age as takes place during the remainder of the elementary and high school career of students. This and other research underscores the importance of early childhood programs in our country.

Second, the continued growth of the number of working mothers: Since 1900 the number of working mothers has doubled. Bureau of Census figures indicate that in 1952, one-fifth of the women in this Nation were employed. By October, 1969, this percentage had increased until one-third of the women were employed outside the house. Generally women work to supplement the family salary, to enable the family to make ends meet or have some of the extras for their families.

What this all adds up to is that today in the Nation we have over 12 million children whose mothers work outside the home. Of this number, approximately 3 million are children, ages 3 to 5, coming from low income families. Of these only about 500,000 are enrolled in publicly supported programs in addition to the 150,000 in Headstart. We are told that approximately 1 million mothers on our welfare rolls have children under age 6. There is general agreement that the present welfare system is outdated and badly in need of major overhaul. President Nixon has sent to the Congress a major recommendation for surgery on our welfare system. Extensive hearings are being conducted by the House Ways and Means Committee. The basic thrust of the program is to encourage work rather than perpetuate people in poverty and on our welfare rolls. I believe that the essential ingredient of such a strategy necessarily involves expanded child development and child care facilities and programs.

For example, a recent New York City study of families on its welfare rolls, reveals that seven out of 10 mothers with preschool youngsters said they would prefer to work if day care were available. While child care centers are not the only answer, they seem to me an important component in any solution.

At the present time there are 61 Federal programs scattered in seven different departments and agencies. These programs serve more than one-half million children; yet, as I previously indicated, we have 3 million children ages 3 to 5 from poor families alone where the mothers work. It seems obvious to me if we are going to gear up to meet the need, we must first consolidate and coordinate ongoing programs.

The bill that we are introducing today takes a major step in that direction by combining some half dozen programs now already in existence all of which provide for Federal assistance to child care and child development services for underprivileged children. These programs include Headstart, the preschool segments of title I of the Elementary and Secondary Education Act, day care programs for the children of migrant workers, day care programs for AFDC-aged children, child welfare day care services and programs under the Manpower Development and Training Act to provide day care for children of mothers enrolled in such programs.

The cost of child development and child care facilities for all preschool youngsters is astronomical. It is clear

that no one level of government or one sector of our economy can do the job alone. It must be a joint governmental effort involving Federal, State, and local governments. It must be a joint effort not only involving government, but also involving the private sector, including profitmaking organizations.

I believe the involvement of private profitmaking organizations is one of the significant strengths of this bill. It needs to be pointed out that right now private profitmaking day care and preschool programs are providing more than one-half of the services available. So, this bill rightfully encourages private industry to become an important participant and partner in the child development area. Private industry's response and involvement in the child care and child development area can greatly relieve the total cost of the program in two ways, namely; first, in many areas there are many mothers who would like to work and who could afford to pay for child care services, but the facilities are simply not available at any price. Where there is sufficient demand, private industry can serve this need.

Second, private industry often has demonstrated its ability to duplicate public programs at equal or better quality and at equal or lower cost. When private industry meets standards as high as publicly financed programs and where private industry is able to perform as well or better for less money, it obviously makes sense to use that tremendous potential.

I believe the provisions of title II establishing a National Institute for Early Childhood Development are also very important. We need to do a great deal more research in education. We need to know more about the basic fundamentals of early childhood development. We need to see that the results of such research reach the State and local levels and also that such results are translated into effective programs. That is the mandate given this Institute and it could well prove to be one of the soundest investments that we have made.

Another important feature of the measure with which I heartily concur is its insistence on evaluation. This not only includes the evaluation of all present programs but also the evaluation of future wants. As my colleagues know, I have been insisting that we build in evaluations of our programs. Our resources are limited and we simply must know the dividends or returns the taxpayer receives on his investments in education. The dropout prevention programs are proving that it is possible to have accountability and evaluation in education and I hope that this concept will soon filter into all our education programs.

If we are to accelerate our national effort in the child development area we will need additional trained personnel. To help meet these manpower requirements, the bill authorizes $20 million for the training or retraining of professional or paraprofessional personnel in the early childhood programs.

I was a member of the Senate Poverty Subcommittee that journeyed to Mississippi a few years ago. It was this subcommittee that heard testimony that children were "starving." I said at that time that if this were so, we should contact the President and urge that immediate emergency assistance be provided. I never saw so much bureaucratic buckpassing in my life as that which resulted. I have been particularly pleased that the new administration under the leadership of President Nixon has committed itself to ending hunger in this Nation. Its recommendations in this area have been warmly applauded and rightly so by both parties in Congress and by the American people. We know, however, that food stamps and other Federal programs are only part of the problem. Nutritional education is also needed. Proper food is essential to optimum development, but even proper food does not always insure the proper use of such food. For that reason the bill launches an educational program of nutrition, child development and growth for economically disadvantaged teenagers and expectant mothers.

Mr. President, this measure is in keeping with the need for fiscal restraint at the Federal level. The major thrust of the legislation is the consolidation of separate programs and relies essentially on the same amount of money that is being spent by similar programs operating under different auspices. Although rightly giving first priority to disadvantaged children, the variable payment scale and the involvement of private enterprise not only promises to make the program available to children of families other than those who are economically deprived, but also to keep the Government costs down while simultaneously increasing the number of places available for child care. It is estimated that the Federal cost of the measure for fiscal year 1971 is $123 million and for fiscal year 1972, $125 million. This measure then is a response to the great need in the country for child development services. At the same time it is a responsible response, one that we can deliver on, and not merely empty promises or empty authorizations. In short, it is a carefully planned program and has potential of laying the foundation for the needed early childhood programs that the country needs.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

Title I—Consolidate child care programs, combining Headstart, Title I ESEA (preschool portion only), Migrant daycare (OEO), and daycare provisions under Title IV of the Social Security Act and the Labor Department's manpower programs.

Title II—National Institute for Early Childhood Development and Education.

Title III—Facilities assistance: mortgage insurance program, additional authorizations for Neighborhood Facilities program.

Title IV—Personnel training: $20 million each for training professional and nonprofessional personnel, service in lieu of student loan repayment; inservice training provisions.

Title V—Federal government child development program for children of employees.

Title VI—General provisions: evaluation of federal programs, Office of Child Development, definitions.

Within this framework, the bill provides for the following:

PROGRAM CONSOLIDATION

Bring together, under one funding authority, the major federal programs which provide operating funds for day-care and child development programs.

New programs or additional appropriations would be authorized only when the consolidated program is functioning effectively.

STATE COMMISSION

State commission representatives of all public and private agencies concerned with early childhood education, welfare and day-care would be involved.

Function would be to assess needs, establish priorities, develop a state plan, and eventually, to approve applications for funds.

Urban areas would be guaranteed a fair share of state commission funds.

PHASED IMPLEMENTATION

A carefully planned step-by-step approach to future expansion to assure well designed and prudently administered programs.

PRIVATE ENTERPRISE INVOLVEMENT

Mortgage guarantees would facilitate construction of centers.

Profit-making corporations would be eligible for direct grants.

Same standards would apply to private corporations as to others under the program.

Fees will count toward matching requirements.

Employers could be eligible for grants to operate day-care programs for employees' children.

RESEARCH

A National Institute for Early Childhood Development would be established to serve as a focus for research; to conduct research and test findings through federally-controlled programs; to coordinate research conducted under other federal, university, and private auspices.

TRAINING

Educational Professions Development Act would be authorized additional appropriations for training professional and para-professional personnel.

Forgiveness of student loans for those entering early childhood programs.

Tuition grants for early childhood personnel upgrading their skills.

FACILITIES

Construction authorized where more economical than renovation or rental.

Additional appropriations authorized for Neighborhood Facilities program.

Mortgage guarantee program for private profit-making or non-profit agencies.

Federal grants, loans, and interest subsidies authorized.

EVALUATION

Special evaluation or existing federal programs pertaining to child development will be made.

On-going evaluation of future programs authorized, with annual reports to Congress.

FEDERAL FUNDS PROVIDED FOR

1. Economically disadvantaged children younger than compulsory school attendance age.

2. Children of working mothers, whether or not economically disadvantaged (payment for services on a sliding-scale fee basis).

3. Programs to help economically disadvantaged adolescent girls and expectants learn the fundamentals of child development and nutrition.

Cost—$123 million above current expenditures for FY 1971.

S. 3482—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE RETIREMENT

Mr. ANDERSON. Mr. President, today I am introducing legislation to authorize Federal employees of the Atomic Energy Commission with job classifications of convoy commander and security specialist—shipment—to retire with full annuity after 20 years' service because of their hazardous duties.

These employees are the armed escorts for Atomic Energy Commission classified shipments. The positions are sensitive and critical, and the employees must be certified annually for psychological and mental reliability, as well as physical qualifications.

Following are two sections from the official job analysis and evaluation for the positions, as listed by the Civil Service Commission:

WORKING CONDITIONS

Performs duties which involve: arduous physical exertion, physical danger, frequent and prolonged travel, exposure to unusual, extreme and inclement weather, movement on rough terrain and placement in isolated locations.

Assignments require irregular periods of fully alert duty during all hours of day and night.

The majority of the incumbent's time is spent in travel status. Modes of travel include freight trains, passenger trains, trucks, travelalls, commercial airlines and contractor operated aircraft. Incumbent may be in travel status up to thirty days on each assignment.

Vehicles travel may require long periods of continuous duty and travel over all types of roads and under varying climatic and topographical conditions. Required to be fully alert status for sixteen continuous hours which may include driving a vehicle for up to ten hours. Continuous sleeping and riding in vehicle for a period of up to ten days.

Travel aboard escort coaches or other railway equipment requires shipment personnel to perform their own cooking, cleaning, and maintenance of other necessities. Duty includes boarding and detraining from standing and moving railway equipment, performing patrol and inspection of shipments in railway yards and enduring considerable rough handling during switching operations.

Duty is performed aboard aircraft of all types. At times assignments are for more than one day in continuous custody of material which requires constant presence at aircraft, often without continuous or adequate heating or complete eating facilities.

Subject to the hazards of the above modes of transpotration.

Subject to the potential health and safety hazards involved in the transportation and handling of high explosive, radioactive, and/or toxic material.

Subject to be directed to initiate or accomplish emergency procedures involving great physical risk.

Subject to normal hazards of personnel who carry firearms in the performance of their duty.

Basic workweek varies from week to week and hours of work vary from day to day. Subject to call to report at all hours to perform travel or duty for prolonged periods.

EFFORT

Endures long periods of continuous travel (up to 30 days on each assignment) under confined conditions in the protecting of security shipment which produces considerable physical, mental and visual fatigue.

Alertness is required for long hours (up to 16 hours) in the performance of duties.

Maintain adequate physical condition to perform arduous assignment and to adequately provide protection to shipments, other security personnel and self against transgression.

On rail freight shipments, it is often necessary to board, climb onto, or ride on the side of or on top of freight cars while the train is in motion. These activities require strenuous physical effort.

Prolonged standing and walking on rough terrain, in isolated locations and under all types of weather conditions is required.

While operating motor vehicles, must maintain maximum proficiency to avoid and prevent accidents.

Required to lift and carry equipment and supplies required on assignments.

Mr. President, because of the demanding nature of this work requiring both mental and physical stamina and the hazards involved, I feel that these employees are deserving of the authority to retire at the end of 20 years of Federal employment.

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

The bill (S. 3482) to amend title 5, United States Code, relating to civil service retirement, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3484—INTRODUCTION OF THE MARINE ENVIRONMENT AND POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I am introducing legislation today which, in its broadest terms, is a human survival act. Its concern is with the pollution of the Great Lakes, and now, of the sea, a situation that poses dangers to the future of the human race that rank with those posed by the threat of nuclear war.

The legislation is entitled the Marine Environment and Pollution Control Act of 1970. One portion of the bill would establish a tough new national policy to halt the reckless exploitation and the destruction of our vital marine environment, and would substitute an environmental management plan beyond State waters that would be aimed at achieving a harmonious relationship between man and the source of all life, the sea.

Another part of the legislation would deal specifically with the disposal of tens of millions of tons of wastes into the sea from New York and other major cities on the ocean coastlines, in the Gulf of Mexico, and in the Great Lakes. I will explain in detail the provisions of this legislation later in the statement.

For the past year, the tragic story about the destruction of the sea has been unfolding at an accelerating pace. For people the world over, it is a shocking, surprising story, which they may first receive in disbelief. Throughout history, we have believed the sea was a limitless resource, as indestructible as the earth itself. And, as with all our other resources, we have acted accordingly, abusing it in the name of "Progress," somehow never realizing until very, very late that, like all other systems of the planet, the sea is a fragile environment, sensitive and vulnerable to the debris of civilization.

Our persistent refusal to accept these facts about all environments on earth is, in the view of many scientists, hurling us headlong to unprecedented worldwide disaster.

The sea is a fragile environment because, among other things, its only really productive areas are extremely limited. They are the Continental Shelves, the narrow bands of relatively shallow, highly fertile areas that extend from our coastlines, the same areas on which our myriad and dramatically increasing ocean activities are focused. Our shipping, mineral extraction, fishing, recreation, and waste disposal all are concentrated in these relatively small, fragile areas.

Destroy life on the Continental Shelves—which is what we are doing now—and, for practical purposes, the oceans are rendered a desert. Fertile coastal waters are 20 times as productive as the open ocean.

Destroy the richness of the sea, and you eliminate one of the greatest potential resources for feeding an exploding world population. Even today, there are nations, such as Japan, that depend almost entirely on the sea for their food and for many other critical resources.

Upset the intricate ecological systems of the oceans, and you run the grave risk of throwing all natural systems so seriously out of balance that the planet will no longer sustain any life.

The evidence is pouring in that we are already well on the way to causing drastic and lasting damage to the ocean environment.

Citing the steady buildup of toxic, persistant pesticides in the oceans, many scientists now believe that another 25 to 50 years of pesticide use will wipe out the oceanic fisheries.

Scientists investigating a massive die-off of seabirds last year off Britain found in the dead birds unusually high concentrations of another deadly pollutant, toxic industrial chemicals used in making paints and plastics, and in other industrial processes. Concentrations of toxic mercury and lead have also been reported in instances at alarming ocean levels.

Scientists now see new dangers to marine life and human beings as well from the potential buildup through the food chain of long-term poisons from the crude oil that is now being spilled, dumped, or leaked into the oceans by man's activities at a rate of 1 million tons a year.

The oil is showing up far from its original sources. Scientists towing a net recently in the Sargasso Sea hauled in oil tar lumps as much as 2 inches thick. The Sargasso Sea is 500 miles south of Bermuda in the Atlantic Ocean.

In addition to oil, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes and other debris in the mid-Atlantic during his papyrus raft trip last year. At one point, the ocean water was so filthy the raft crew could not use it to wash the dirty dishes.

In the Pacific Ocean, some still undetermined ecological change has caused a

population explosion among a species of starfish. It might be just another fascinating incident if it were not for the fact that the starfish, which feeds on living coral, can, in great enough quantities, cause serious erosion on islands protected by coral reefs and lead to the destruction of food-fish populations that inhabit the reefs.

Closer to home, the oil well blowout in the Santa Barbara Channel last year stunned our Nation. Anyone who still believes the sea is invulnerable to the same devastation we now see in rivers across the land should talk to the citizens of Santa Barbara.

Or they should ask the residents of Cleveland, Detroit, Toledo, Chicago, Milwaukee, Green Bay, or Duluth-Superior. For the past several decades, we have been methodically destroying the Great Lakes, among the largest bodies of fresh water on earth. Lake Erie is degraded almost to the point of a cesspool. Lake Michigan is seriously polluted, and is about to be ringed with nuclear powerplants discharging massive heat wastes. Lake Superior, the largest, cleanest Great Lake, is now threatened. On the Minnesota north shore, a mining company is dumping 60,000 tons of iron ore process wastes into the lake each day.

One need only to have glanced over the newspapers for the past few days to get a sense of the pattern that is developing off our coastlines. Off the gulf coast, an intense fire has been burning out of control for several days on an oil well platform. If the situation is not brought under proper control, raw oil from the well could seep over vast areas of the gulf, spreading to wildlife and bird preserves, stretches of coastal marshland, and recreation beaches. Off Nova Scotia, oil spreading from a wrecked tanker has contaminated nearby shores and is killing sea birds, and the same thing is happening off Florida as oil spreads from another wrecked tanker.

The situation in a few years will be much worse. If present trends continue, according to a recent report by the President's Panel on Oil Spills, we can expect a Santa Barbara-scale disaster every year by 1980.

The report also confirmed that we do not have the technology to contain the oil from massive blowouts and spills. In fact, scientists are pointing out that current control techniques, such as massive use of detergents to break up oil slicks, can be even more damaging than the spills themselves.

Yet, in blunt testimony to our sorry history of exploiting our resources at any risk to the environment, 3,000 to 5,000 new oil wells will be drilled annually by 1980 in the marine environment. The pressure is on even in polluted Lake Erie, where only widespread public resistance has prevented drilling there to date.

By ironic coincidence, Federal plans for new oil lease sales in U.S. offshore areas were announced only a few days before the Presidential panel's 1969 oil spill report.

Because of the dramatic and sudden nature of its occurrences and damages, oil pollution has been the most visible of the marine environment problems. A second, less visible, but just as significant threat is from the wastes that are overrunning the industrialized, crowded metropolitan areas along our coastlines.

Progress—American style—is adding up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 76 billion "disposable" containers, and tens of millions of tons of sewage and industrial wastes.

It is estimated that every man, woman, and child in this country is now generating 5 pounds of refuse a day from household, commercial, and industrial wastes. To quote Balladeer Pete Seeger, Americans now find themselves "standing knee deep in garbage, throwing rockets at the moon."

The rational way out of this dilemma would be using the country's technology and massive resources to develop systems to recycle our wastes, making them valuable "resources out of place," or treating wastes to the highest degree that technology will permit.

Instead, in the classic American style, we have been taking the easy way out. Rather than planning ahead to handle the byproducts of our affluent society, we have invariably taken the cheapest, most convenient route to their disposal, regardless of the environmental consequences. Until fairly recently, the easy way has been to dump our debris outside the city limits, or into the nearest river or lake.

But now, the end of one city means the beginning of another, especially in our sprawling metropolitan areas. And either the river or lake is already grossly polluted with other wastes, or water quality standards are demanding that the polluters install decent treatment facilities.

With this tightening situation, one might think that we would finally begin a national effort to establish effective and environmentally safe waste management plans.

Instead, we have found another way to avoid the costs of environmental controls: Dump the debris into that supposedly bottomless receptacle, the sea. The attractions are many. The fact is that environmental regulations in our coastal waters are so loose it is like frontier days on the high seas, a field day for laissez faire polluters. One recent private report points out the gross inadequacies in offshore environmental regulations:

Few applications for offshore waste dumping permits are ever denied, even when environmental agencies strongly oppose the dumping. In fact, the report could find no instance where the U.S. Army Corps of Engineers—in most cases, the lead agency for regulating the dumping—had ever rescinded a disposal permit, even when the polluter had clearly violated it. The reason, according to the report, is that authorities and responsibilities in the marine environment are so uncertain that public agencies may be reluctant to take action that might lead to court tests;

Furthermore, most dumping is carried out so far offshore that no present regulations of any Federal, State or local agency explicitly apply;

Although many public agencies are concerned in various ways with ocean dumping, rarely do any of them have a comprehensive picture of the total offshore waste disposal activities in the area;

Regular monitoring of ocean dumping is almost nonexistent, leaving the way wide open for abuse of already inadequate permit terms;

Finally, guidelines to determine how dumping will affect fragile ocean ecology and the marine food chain do not exist. Thus, decisions on the dumping permits are made with a tragic lack of vital information as to the consequences.

In this situation, it is often cheaper for a city to send its municipal wastes out to the ocean depths via a barge; or for an industry to relocate to the coastline from an inland area with tough water quality standards, so it can discharge its wastes directly into coastal waters without having to install costly pollution control equipment.

Because the effects of the ocean dumping are slow to appear, it is a problem that only now is breaking into public view. But when all the facts are in, I am convinced that continued unrestrained dumping clearly will spell a tragedy that will make Santa Barbara pale by comparison.

In the United States, cities, industries, and other polluters are now disposing 37 million tons of wastes into the marine environment every year, and this does not include Great Lakes figures.

Predictably, our mass consumption, mass disposal society is responsible for one-third to one-half the world's pollution input to the sea.

The cities and metropolitan areas involved include San Francisco, Los Angeles, San Diego, Boston, New York, Philadelphia, Baltimore, Charleston, St. Petersburg, Miami, Port Arthur, Galveston, Texas City, and Houston.

The wastes—dumped at sea from barges and ships—run the gamut of byproducts from the "affluent" society. They include garbage and trash; waste oil; dredging spoils; industrial acids, caustics, cleaners, sludges, and waste liquor; airplane parts; junked automobiles and spoiled food. Radioactive wastes, poison gas, and obsolete ordnance have also been dumped in the sea by atomic energy and defense agencies.

Along our Pacific coast, 8.8 million tons of these wastes were dumped in 1968 alone.

Along the heavily populated east coast, 23.7 million tons were dumped that year.

And along the gulf coast in 1968, 14.6 million tons of wastes were dumped.

A leader for the whole country in the dumping of wastes into the sea is metropolitan New York. In a recent year, dumping for this area off the New Jersey and Long Island coasts came to 6.6 million tons of dredge spoils, 4 million tons of sewage sludge, 2.6 million tons of dilute industrial waste acids, and 573,000 tons of cellar dirt.

The sewage sludge, dumped 11 miles offshore, has spread over a 10- to 20-square-mile area of the ocean bed, killing bottom life, cutting oxygen levels, poisoning the sea waters. A wide area outside the dumping grounds is also con-

taminated, possibly by the sewage sludge. Dumping of other wastes is being carried out in five other undersea areas off New York.

The results of several decades of ocean waste disposal off this vast metropolis are grim portents for the future of much of the U.S. marine environment if the practice is allowed to continue.

Off New York, outbreaks of a strange fish disease, where fins and tails rot away, have been reported since 1967.

Recreation-destroying red tides have recently closed local beaches, particularly during the summer of 1968.

Massive growths of nuisance organisms, such as seaweeds and jellyfish, are now prevalent.

Once huge oysterbeds in New York Harbor have been all but eliminated.

Nearly all local clamming areas have been closed because of contamination.

Many swimming beaches are now closed every summer for the same reason, and there are indications that the sewage sludge dumped far offshore may now be creeping back in on the currents.

Now, in the face of this marine disaster, suggestions are being made that the New York dumping grounds be moved anywhere up to 100 miles offshore. Whether this is feasible on even an interim basis, it is highly doubtful it offers any permanent solution. New Yorkers 40 years ago thought they had escaped much of their waste problem when the present offshore dumping grounds were selected. Past history gives little cause for confidence that dumping even 100 miles into the sea will prevent grave consequences 40 years from now.

In fact, the evidence from the present New York situation, and from the effects of other United States and worldwide marine activities, indicates firmly that if we are to avoid setting off further disaster in our vital offshore areas, the dumping should be phased out entirely along our coastlines and the Great Lakes. The legislation I am proposing would require such a phase-out in 5 years, a deadline which respected authorities have indicated would be reasonable, if a concerted effort is started now to find alternative, safe means of waste disposal or recycling.

The only exception would be when the Secretary of the Interior determined that an alternative was not yet technically available. Then, a temporary permit could be issued until an alternative was developed.

The legislation will also deal with the wastes pouring directly into the ocean and the Great Lakes from numerous outfalls of municipal and industrial waste disposal systems. As I pointed out earlier, the alternative of piping our wastes directly into the sea is becoming increasingly attractive from an economic point of view, as water quality standards are tightened inland. Yet from an environmental point of view, moving to the edge of the sea for cheap waste disposal and cheap water supplies will only accelerate the pollution of the sensitive offshore areas. It is a trend that must be halted now, and the legislation I am introducing will allow only liquid, nontoxic wastes, treated at levels equal to the natural quality of the receiving waters, to be disposed of at sea, with the exception noted above, where an alternative was not technically available.

Now, on one 30-mile stretch of the New Jersey coast alone, there are 14 sewer outfalls discharging directly into the ocean, with more planned. In New York harbor, 20 New Jersey companies are either in court or under orders to halt pollution. According to Federal figures several years ago, the estuarine waters of the United States received 8.3 billion gallons of municipal waste discharges per day.

Clearly, wholesale waste disposal and dumping into the ocean environment is a practice that is rapidly becoming a national scandal. It reflects another near total failure of our institutions to come to grips with a grave new challenge of this modern, complex age. And it is one more tragic instance of polluters and Government, with the consent of a lethargic public, avoiding rational environmental planning now, and letting future generations pay the price.

To date, we have been spending only a pittance in this country on new, more effective ways of handling our wastes, while we spend tens of billions of dollars to put man on the moon, or to fight the Vietnam war. Legislation now pending before the Senate, the Resource Recovery Act, would be an important step forward in the urgently needed effort to manage this country's mounting solid wastes.

Ironically, while we continue to accelerate the gruesome process of polluting the sea, industry, our crowded cities, commercial ventures of all kinds, and even public agencies are making big new plans to carve up this rich, little regulated frontier for profit or for the tax dollar.

Already, the Defense Department holds one of the biggest chunks of marine environment—a total of approximately 300,000 square miles used for missile testing grounds and military operations.

But jurisdictions are so confused in the increasingly busy offshore waters that one mining operator had to turn back his sea bed phosphate lease when he found it was in an old Defense Department ordnance dump.

Crowded metropolitan areas are looking to the sea as the answer not only to their waste disposal problems, but for their space shortages as well. In the next few years, it is possible that construction of floating airports will begin for New York City, Los Angeles, and Cleveland. Floating seaports and floating cities may not be far behind.

And population and use pressures on our coastal areas will continue to escalate. Already, more than 75 percent of the Nation's population, more than 150 million people, now lives in coastal States, and more than 45 percent of our urban population lives in coastal counties.

Now, the coasts provide recreation for tens of millions of citizens. And the demand for outdoor recreation is increasing twice as fast as our burgeoning population. Yet in the face of these growing needs and expectations, the coasts are in danger of being crowded and polluted out of the market as recreation resources. In effect, Americans are slamming the door on their last escape route to a livable world. Our choice now is to either clean up our environment, or survive in surroundings we never thought we would have to accept.

Again, we look to the sea for distant answers. Within 33 years, we can expect permanent inhabited undersea installations and perhaps even colonies, according to the commission on the year 2000, a group established by the American Academy of Arts and Sciences.

In another activity, oil tankers, a more frequent source of pollution than oil wells, are being built to huge scales, cutting transportation costs but increasing environmental danger. The *Torrey Canyon* tanker was carrying 118,000 tons of crude oil when it broke up off England in 1967, a disaster that soaked miles of beaches with oil and killed more than 25,000 birds. Today, there are tankers being designed with a 500,000 ton capacity.

In addition to bringing new pollution dangers, the tankers will probably help create a new industrial seascape off our coasts. Since our ports are not big enough to handle these super ships, offshore docking facilities will have to be built.

In the Gulf of Alaska, heavy tankers could soon be operating to ship oil from the southern end of the proposed Trans-Alaska pipeline. Meanwhile, other oil and gas interests are proposing leases for drilling in the gulf. Leasing could put the tankers and oil rigs on a collision course, with massive oil spills as a result.

In another area of resource use, a company will soon begin an experimental mining operation off the southeast Atlantic coast in which a vacuum device will draw materials off the sea bed, and half way up, separate out fine wastes and spew them into the undersea in a broad fan. An almost certain result will be the smothering of bottom life over a wide area.

On Georges Bank, a rich international fishery off the New England coast, studies have identified areas with tremendous oil and gas potential, posing possible conflicts.

The evidence is clear. If tough environmental management steps are not taken now, the outcome of this bustle of new activity is certain. We will ultimately make as much a wreckage of the oceans as we have of the land. There will be constant conflicts between users, more reckless exploitation, perhaps the total destruction of marine life, and through the whole process, public agencies will be relegated to their all too frequent ineffective role of referees between competing resource users.

The legislation I am proposing today as the Marine Environment and Pollution Control Act of 1970 prescribes far-reaching steps to establish rational protection of the ocean environment.

The first section makes it unlawful for U.S. citizens, which includes corporate and municipal officers, to dispose of refuse materials into the Great Lakes, the territorial sea, Outer Continental Shelf waters, or the high seas without a permit from the Secretary of the Interior issued with the concurrence of the Council on Environ-

mental Quality in the White House. Before the Secretary can grant such a permit, he will be required to undertake a broad-ranging investigation into the effects the disposal would have on the marine environment. In addition, public hearings will be held if requested, to give concerned citizens the opportunity to speak on the matter. In general, this legislation provides for public involvement in the decisionmaking process at every available opportunity, an involvement that has far too frequently been lacking in the making of Federal environmental politics.

Under this bill, the Secretary will only grant a waste disposal permit if there is convincing evidence that the disposal will not have any adverse effects on plant and animal life and the marine environment generally. As I have pointed out earlier, consideration of the impact of dumping on the fragile marine ecology of dumping has been entirely inadequate.

The bill would phase out all marine dumping by June 30, 1975, which is a reasonable and essential step for environmental protection, except for the exceptions noted earlier in the statement. It also provides criminal penalties including imprisonment, and a fine of not more than $1,000 per ton of material disposed of in violation of the act.

In the important second section of the bill, a system for marine environment management is established, which will apply to the submerged offshore lands under the jurisdiction of the Secretary of the Interior. As a first step, the bill provides for an Advisory Committee on the Marine Environment, to be appointed by the Secretary with the concurrence of the Council on Environmental Quality. The private citizen committee will include scientists trained in disciplines dealing with marine environment concerns. It will be responsible for the general scientific overview of the whole new program.

Also called for is a series of comprehensive programs and studies designed to increase our knowledge of the marine environment and its complex ecological systems, and the effects of our activities on this vital environment. Under the bill, the Secretary would develop models of physical and ecological systems of the marine environment which would be used to predict in advance the effects of proposed activities, an unprecedented step in marine environment protection.

I have also included a provision in the bill requiring truly long range forecasts of our needs and requirements, not only for minerals, but for recreation, fisheries, shipping, and natural ecological balance, over the next 50 years, another unprecedented step fundamental to making sound decisions about our ocean activities. This information will be made available to the public as it is developed by the Secretary, with the advice and recommendations of the scientific commission.

The next section of the bill provides for the application of the information and knowledge gained by the Secretary and the commission to the development of comprehensive resource management plans for the marine environment. Such plans will be developed whenever the Secretary is notified that present or proposed uses of the marine environment involve a risk of serious environmental damage or serious conflict with present or future users, or when any submerged lands under the jurisdiction of the Secretary are proposed to be leased. As a part of the plan, the Secretary would conduct an intensive study of the specific area involved, and of all the plant and animal life in it, and would attempt to develop means for avoiding adverse effects or conflicts among uses. The Secretary will also seek the views of the Governors of the coastal States in the vicinity of the area of proposed activity.

These efforts will culminate in a management plan which will be submitted to the Advisory Committee on the Marine Environment and also to the Council on Environmental Quality and there will also be opportunity for a public hearing. After concurrence of the council in the plan, the Secretary will implement it in public regulations which will constitute a comprehensive and mandatory guide for the use of the seabed and waters governed by the plan.

I believe these management plans would be a major step in avoiding Santa Barbara-type disasters brought on by lack of foresight and information, and this approach might well merit consideration by the States for the Great Lakes and their offshore territorial waters. Public participation would be an important part of the development of these plans.

It should be made clear that even the adoption of this legislation will only be a beginning in protecting our oceans. Inland, our water standard and cleanup programs must be strictly enforced and well financed, not only for the sake of our rivers and lakes, but for the future of the sea itself, which ultimately receives these wastes. And it is clear too that although the activities of this Nation are a major factor in the threat to the sea, all nations are having an impact, and have responsibilities which they too must exercise if this common world resource is to be protected. It is clear this will require new international cooperation and agreements.

Mr. President, I introduce this legislation for reference to the appropriate committee, and ask that it be printed in the CONGRESSIONAL RECORD at this point.

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

The bill (S. 3484) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3484

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 "Marine Environment and Pollution Control Act of 1970."

SEC. 2. The Water Pollution Control Act, as amended, (62 Stat. 1155; 53 U.S.C. 466–466n) is further amended by the addition of the following new sections to title 33 of the United States Code:

"SEC. 466o1. After the effective date of this section, no citizen of the United States shall dispose of refuse materials originating within the continental limits of North America into the Great Lakes, the coastal waters of the United States, or the high seas without a permit from the Secretary of the Interior issued under this Act with the concurrence of the Council on Environmental Quality.

SEC. 466o(2). (a) Upon receipt of any application for permission to dispose of refuse materials originating within the continental limits of North America into the Great Lakes, the coastal waters of the United States, or the high seas, the Secretary of the Interior shall investigate the characteristics of the refuse materials proposed to be disposed of, the manner in which such disposal is proposed to be conducted, and the physical, biological, ecological and other relevant characteristics of the area in which the disposal is proposed to be conducted, and prepare a comprehensive report of the effects of the proposed disposal activity upon the public health and the physical, biological, and ecological systems existing in the area and any other areas in which the effects of the disposal might be manifested. In making his investigation and preparing the comprehensive report the Secretary shall request the views and recommendations of other Departments and agencies of the Federal Government and of State and local officials and shall include their views and recommendations in his comprehensive report.

(b) Upon completion of the comprehensive report, the Secretary shall make such report available to all interested persons and, upon request of any interested person and after not less than 30 days notice, shall hold one or more public hearings in a location or locations in the general vicinity of the area within which the disposal is proposed to be accomplished at which all interested persons shall be given an opportunity to express their views with respect to the comprehensive report, the application, and any other matter relevant to the application or the comprehensive report. A transcript of the public hearings shall be made and the comprehensive report shall be included in the record of the hearings. The record of the hearings shall remain open for written submissions by all interested persons for a period of 30 days following completion of the public hearings.

(c) Within 60 days after the record of public hearings is closed, the Secretary shall make written findings of fact, written conclusions, and a written decision on the application. The application, record of any public hearings held under this section and the Secretary's findings, conclusions, and decision shall be public documents. No decision granting permission to dispose of refuse materials shall be made by the Secretary except upon findings and conclusions supported by clear and convincing evidence that the disposal activity for which permission is sought will not result in dangers to the public health, damage to or destruction of plant or animal life, significant alteration of physical processes, interruption of the food chain of marine plant or animal life, damage to or destruction of marine ecological systems, or other damage to or destruction of the marine environment.

(d) All decisions of the Secretary on applications under this section shall be referred to the Council on Environmental Quality. No decision of the Secretary granting permission under this section to dispose of refuse materials shall become final unless such decision is concurred in by the Council on Environmental Quality. The Council on Environmental Quality shall be deemed to have disapproved any decision of the Secretary granting permission under this section for the disposal of refuse material if the Council fails to signify its concurrence or nonconcurrence in such decision within

120 days after its receipt of the Secretary's decision.

(e) No permit for the disposal of refuse materials covered by this section shall be issued to any person covered by this section under this or any other law after June 30, 1975, and all permits theretofore issued shall expire on such date. However, if the Secretary of the Interior finds, upon the basis of clear and convincing evidence, that it is technically infeasible to dispose of any refuse materials covered by this section in any other manner, he may issue temporary permits, pending the development of alternate means of disposal, for such disposal under this section, but any such disposals shall be accomplished in a manner which will result in the least possible adverse environmental impact.

SEC. 466o3. (a) As used in this subsection 466o.

(1) The term "refuse material" means all solid and liquid products or byproducts of industrial processes (including tailings, sediment, and like materials resulting from marine mining or dredging activities), industrial waste acids, chemicals, sewage sludge, garbage, dredge spoils, cellar dirt, greases and oils, wrecked automobiles and other wrecked or discarded equipment, obsolete or unneeded ordnance and other military materiel and all other waste materials of every kind and description. However, the term does not include liquid waste materials discharged through outfalls directly into the coastal waters of the United States which contain no suspended or other solid material and which are non-toxic and of a cleanliness and quality equivalent to or higher than the quality of the water into which such liquid waste is discharged.

(2) The term "coastal waters" means the waters lying seaward of the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, to a distance of three miles from such lines. As used with reference to the Great Lakes, "coastal waters" means those boundary waters between the United States and Canada lying on the United States side of the international boundary between the United States and Canada.

(3) The term "high seas" shall mean that portion of the high seas as defined in the Convention on the High Seas lying seaward of the outer limits of the coastal waters of the United States.

(4) The term "citizen of the United States" means officers and employees of the United States, all natural persons who are citizens of the United States, all partnerships or other associations which include in their membership one or more citizens of the United States, and the officers and directors of all corporations organized under the laws of the United States or of any State of the United States.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "continental limits of North America" means the continental land mass of North America and the continental shelves bordering that land mass.

(7) The term "dispose" means to place, release, or discharge in any manner.

SEC. 466o4. Any citizen of the United States who violates any of the provisions of this section or the terms of any permit issued under it shall be fined not more than $1,000 for each offense. Disposal of each ton of refuse material in violation of this section or any permit issued under it shall be a separate offense.

SEC. 466p. (a) There is established in the Department of the Interior an Advisory Committee on the Marine Environment, appointed by the Secretary of the Interior with the concurrence of the Council on Environmental Quality, comprised of eleven members who shall be qualified by training and experience to advise the Secretary of the Interior in the management and protection of the marine environment of the United States. The disciplines represented by the members of the Committee shall include among others, marine biology and ecology, physical or chemical oceanography, marine geology, resource economics, and marine resources law. The Committee shall consult with and advise the Secretary in the discharge of his responsibilities under Section 466q and in the development of the inventories and analyses required by subsections (c) and (d) of Section 466s, and shall analyze and review management plans under subsection (e) of Section 466s and the implementation and enforcement of such plans. The committee shall conduct annual or more frequent studies of the status and quality of the Secretary's efforts undertaken to implement Section 466q, investigations of the quality and the effectiveness of management plans developed under Section 466t, including investigations of the effectiveness of public participation in the development of such plans, reviews of the Secretary's actions in the implementation and enforcement of management plans, and generally shall make such investigations, studies, and recommendations at such times as are required for the successful implementation and administration of the program under sections 466p–466u. The Committee shall transmit the reports of its investigations, studies, and recommendations to the Secretary and the Council on Environmental Quality, and shall make such reports available to the public. The Committee also shall transmit to the Secretary and the Chairman of the Council and make publicly available a report annually on the progress achieved during the preceding year in protecting and enhancing the marine environment together with its recommendations.

(b) No officer or employee of the United States or of any State shall be appointed to membership of the Committee. The committee shall be served on a permanent professional staff comprised of persons who are qualified by training and experience in the disciplines relevant to the management and protection of marine environment.

(c) Members of the Committee shall receive $100 per diem when engaged in the actual performance of duties of the Committee and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently.

(d) The Committee shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Committee may secure temporary and intermittent services to the same extent as it authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed $100 per diem for individuals.

(e) As used in sections 466p–466t, the terms—

1. "marine environment" means the air, the waters, and the lands submerged by such waters lying seaward of the boundaries of the coastal States of the United States, and all the resources and values of such air, water, and submerged lands, and the term

2. "Secretary" means the Secretary of the Interior.

SEC. 466q (a) The Secretary, in regular consultation with the Advisory Committee on the Marine Environment and in cooperation wtih other Federal and State agencies shall conduct—

1. comprehensive programs for the continuing collection and analysis of data concerning the physical system existing in the marine environment including, but not limited to, data on tides and wind and ocean currents and geological and topographical data, and develop and refine models of such physical systems which will adequately describe the operation of such systems and also provide predictions of the effects of various activities conducted in the marine environment upon such systems;

2. comprehensive programs for the continuing collection and analysis of data concerning the plant and animal life found in the marine environment and data concerning the sensitivity of unique as well as representative species of such life to changes in the marine environment resulting from development or use of the marine environment;

3. comprehensive investigations of the ecological systems of the marine environment, and develop and refine models of both unique and representative ecological systems which will adequately describe such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

4. a continuing comprehensive analysis of the several activities presently being conducted in the marine environment or likely to be conducted there in the reasonably immediate future, and present and likely future conflicts among such uses with a view to developing an understanding of the basic purposes which those activities serve and to minimizing such conflicts through development of novel and alternative means of serving those purposes;

5. a program for the development of baseline data concerning the marine environment, and a comprehensive monitoring program for the marine environment designed to provide immediate notice of changes in such environment;

6. far-reaching, long-range studies which will yield forecasts and predictions concerning the activities which may be carried out in, and the uses which may be made of, the marine environment and its resources during the period ending fifty years from the date of each such study, including analyses of the characteristics of and means by which such activities and uses may be conducted, analyses of the likely impact of and constraints imposed by such activities and uses upon other uses of the marine environment, and the likely effects of such activities and uses upon the marine environment itself, predictions of the frequency and significance of future conflicts among uses of the marine environment and of the frequency and the magnitude of any damages to the marine environment which may result from such activities and uses, and recommendations concerning development of technology, management concepts, or other means of preventing or minimizing conflicts among uses of the marine environment and of preventing or minimizing adverse effects upon the marine environment;

7. studies necessary to the development of criteria and standards for the protective management of unique or unusually valuable types or species of plant and animal life, of types or species of plant and animal life which are particularly susceptible to damage or destruction from alteration of the marine environment, of areas of the marine environment which present special hazards of environmental damage or conflicts among uses, and of areas which exhibit unique or unusually valuable characteristics or values; and

8. continuing studies of the susceptibility of the marine environment and its resources to present and future beneficial uses for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of natural beauty and other nonexploitative recreational uses, scientific research, national defense, and other purposes.

(b) The Secretary shall publish on a reg-

ular basis the reports and results of the studies and investigations and programs authorized by subsection (a) of this section.

SEC. 466r. (a) The Secretary shall establish by regulation in the Department of the Interior an Inter-Agency Committee on Marine Resources Management to be comprised of one representative each of the Departments of Defense, State, Transportation, Health, Education and Welfare, Housing and Urban Development, and Commerce, and the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Secretary of the Smithsonian Institution. The Committee shall assist the Secretary in the development of management plans for the management and protection of the marine environment.

(b) (i) Whenever the Secretary is advised by the Chairman of the Council on Environmental Quality, the head of any Department or Agency of the United States or other organization named in subsection (a) of this section, or the Governor of any coastal State of the United States or a State bordering on the Great Lakes, that any present or proposed use or uses of the marine environment involves a potential risk of serious environmental damage or potential risk of serious conflict with present or likely future uses of the marine environment, and (ii) whenever any submerged lands under the jurisdiction of the Secretary are proposed to be offered for leasing for oil and gas or sulphur or other minerals, or (iii) whenever it appears to the Secretary that such action is desirable, he shall immediately publish notice pursuant to subsection (e) of section 466s of his intention to develop a management plan, and shall thereafter proceed with the development of a management plan, for the area identified as being susceptible of potential environmental damage, or within which risks of conflicts among uses may occur, or the area proposed to be offered for leasing, or the area which he judges should be the subject of a management plan. No submerged lands under the jurisdiction of the Secretary shall be leased for oil and gas or sulphur or any other mineral after the expiration of three years from the effective date of these amendments unless such leasing is accomplished in accordance with a management plan developed, approved, and implemented in accordance with the provisions of sections 446p–466u.

SEC. 466s. (a) The development of management plans shall be preceded by public notice given in the manner prescribed by subsection (b) of this section and shall reflect the results of the inventories and studies required by subsection (c) of this section, the analyses specified in subsection (d) of this section, and information developed in the course of consultations and public hearings pursuant to subsection (e) of this section in the manner specified in section 466t.

(b) The notice required by subsection (b) of section 466r of the Secretary's intention to develop a management plan for an area shall be published in the *Federal Register* and in a newspaper of general circulation in the general vicinity of the area for which the management plan will be developed. The notice shall indicate that a management plan will be developed for the marine environment in the area described in the notice, indicate that uses of the area involved will be affected by adoption of the management plan, describe the area for which the management plan will be developed, describe the procedural steps by which the management plan will be developed, and state that an opportunity will be extended to all interested persons to express their views and recommendations with respect to development of the management plan.

(c) As soon as practicable after publication of the notice of intention to develop a management plan for an area of the marine environment pursuant to subsection (b) of section 460r, the Secretary shall develop an inventory of the plant and animal life and non-living resources and intangible values of the area, studies of the physical and ecological factors and systems present in the area, and an inventory of present uses and forecasts of future uses of the area.

(d) Concurrently with development of the inventories and studies conducted under subsection (c) of this section, the Secretary shall analyze the characteristics of the plant and animal life and non-living resources and intangible values of the area, the physical and ecological factors and systems present in the area, and the characteristics and purposes of the present and future uses of the area with a view to developing a comprehensive, detailed model or models of the area which will adequately describe the systems existing in the area and their responses to the activities presently being conducted in the area and also provide reliable predictions of the longer-range effects of present uses of the area and reliable predictions of the effects of future activities upon the systems and resources existing in the area. In analyzing the present and future uses of the area, the Secretary shall develop information on the frequency and seriousness of present conflicts among uses of the area and the effects of such conflicts on the marine environment, and projections of the frequency and seriousness of future conflicts among such uses, including estimates of the probably frequency of such conflicts, and the types and degrees of seriousness of potential damages to the marine environment resulting from such conflicts. The Secretary also shall include in his analysis under this subsection an investigation of available technological, managerial, or other means of preventing or reducing the adverse impact of activities conducted in the marine environment on the marine environment and on other uses of it and shall identify present and future needs for new or improved technological or other means of preventing or reducing the adverse effects of particular types of activities on the marine environment or on other uses of the marine environment.

(e) In conducting the inventory under subsection (c) of this section and the analyses required by subsection (d) of this section, the Secretary shall consult with the Advisory Committee on the Marine Environment established by section 466p and shall request all interested Departments and Agencies of the Federal Government to prepare and submit to him written reports concerning their interests in the present and future uses of the area for which a management plan is being developed for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of scenic beauty and other nonexploitative recreational purposes, scientific research, national defense, and other uses together with their recommendations with respect to the final form, content, and operation of the management plan. In developing the inventory and analyses, the Secretary shall solicit the views and recommendations of the Governor of the coastal State or States in the vicinity of the area for which a management plan is to be developed and invite the views and recommendations of industry and other interested groups and may hold public hearings in the vicinity of such area for the purpose of obtaining the views and recommendations of other interested persons.

(f) The reports of inventory and analyses conducted pursuant to subsections (c) and (d) of this section, the reports submitted by the interested Departments and agencies of the Federal Government, the submissions by the Governor of coastal States and by industry and other interested groups, and the records of any public hearings held by the Secretary shall be included in the administrative record of the proceedings for the development of the management plan and shall be public documents which shall be made available upon request and payment therefor to any interested person.

SEC. 466t. (a) After completion of the inventory and analyses under subsections (c) and (d) of section 466s and receipt of the views and recommendations of the Governors of coastal States, interested industry and other groups, and other interested persons under subsection (e) of section 466s, the Secretary shall make comprehensive written findings of fact and written conclusions concerning the area of the marine environment which will be subject to the management plan and shall develop a comprehensive management plan for the area of the marine environment described in the notice issued pursuant to subsection (b) of section 466r which shall preserve the quality of the marine environment at the highest practicable level and enhance the quality of the marine environment to the highest practicable level where damage to the marine environment already has taken place, prevent or minimize the adverse effects of present and future activities in the marine environment on such environment and its resources and values, and prevent or minimize conflicts among competing uses of the marine environment.

(b) The management plan shall identify, describe the locations of, and afford appropriate protection for plant and animal life, ecological systems, and recreational and other values which are so unique or valuable or important that they should not be exposed to the risks associated with particular uses of the marine environment and describe any areas of the marine environment which present special hazards of environmental damage or conflicts among uses or which exhibit unique or unusually valuable characteristics or values.

(c) The management plan shall be expressed in the form of public regulations which shall be consistent with international law and which will provide a mandatory guide for the use of the land and water areas covered by it. To the maximum degree permitted by international law and agreements, it shall include such prohibitions, constraints, and conditions upon the conduct by citizens of the United States and of foreign nations of specified activities within specific areas covered by it as are appropriate to the protection of the environmental features within such areas or any other areas in which the effects of such activities within the specified areas might be manifested or are necessary to prevent or minimize conflicts among uses of such areas.

(e) Upon completion of the management plan for an area of the marine environment, the Secretary shall submit such plan to the Advisory Committee on the Marine Environment and to the Council on Environmental Quality. Upon request of any interested party and after not less than thirty days' notice, he shall hold one or more public hearings in the general vicinity of the area covered by the management plan at which all interested parties shall be given an opportunity to express their views with respect to any matter pertaining to the management plan.

(f) After considering the views of the Advisory Committee and the Council on Environmental Quality, and after reviewing the record of any public hearing held pursuant to subsection (e) of this section, the Secretary shall affirm or modify, as appropriate, the written findings and conclusions made pursuant to subsection (a) of section 466t, and the management plan, if necessary, and submit it together with his written findings and conclusions to the Council on Environmental Quality for its concurrence.

(g) Upon the concurrence of the Council on Environmental Quality, the Secretary shall adopt and order the implementation of the management plan and shall publish com-

prehensive regulations embodying the management plan in the manner specified in Section 553 of Title 5 of the United States Code. No management plan shall be adopted by the Secretary unless it has been concurred in by the Council on Environmental Quality.

(h) In making his written findings of fact and conclusions pursuant to subsection (a) of section 466t and in the development and adoption of management plans pursuant to this section, particular activities and uses shall not be permitted in specific areas covered by the management plan except upon the Secretary's findings, supported by clear and convincing evidence, that such activities and uses can be conducted in such areas without significant risks of environmental damage or conflicts among uses. In no event shall any management plan afford a lesser degree of protection to the marine environment than that degree of protection afforded by the laws and regulations of the coastal State or States to marine areas under State jurisdiction which are situated adjacent to or in the vicinity of the area covered by such management plan.

SEC. 466u. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 466o–466t.

SENATE JOINT RESOLUTION 173—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING A GRANT TO DEFRAY A PORTION OF THE COST OF EXPANDING THE UNITED NATIONS HEADQUARTERS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a joint resolution to authorize a grant to defray a portion of the cost of expanding the United Nations headquarters.

The joint resolution has been requested by the Secretary of State and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President dated February 7, 1970.

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

The joint resolution (S.J. Res. 173) authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 173

Whereas the Congress authorized the United States to join with other governments in the founding of the United Nations;

Whereas the Congress unanimously, in H. Con. Res. 75 (79th Congress), invited the United Nations to establish its headquarters in the United States, which invitation was accepted by the United Nations;

Whereas the United States has continued to serve as host to the United Nations;

Whereas the membership of the United Nations has increased substantially and the Organization has outgrown its existing facilities;

Whereas the General Assembly of the United Nations in December 1969 authorized the construction, subject to suitable financing arrangements, of an additional headquarters building south of and adjacent to the present headquarters site on land to be made available without charge by the City of New York;

Whereas the total financial burden of expanding its headquarters in New York would severely strain the resources of the United Nations;

Whereas a special contribution by the United States as the host government would constitute a positive act of reaffirmation of the faith of the American people in the future of the United Nations;

Be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its Headquarters in the City of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.

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

THE SECRETARY OF STATE,
Washington, February 7, 1970.

DEAR MR. VICE PRESIDENT: I respectfully propose for your consideration the enclosed joint resolution to authorize a grant of not more than $20 million to defray a portion of the cost of expanding the Headquarters of the United Nations in New York.

The physical facilities at UN Headquarters are not adequate to the requirements of an organization which has more than doubled in membership since its original plant was constructed almost twenty years ago and has substantially expanded the scope of its activities. There is a serious shortage of office space. Overcrowding has resulted and it has been necessary to scatter in rental locations various departmental components which should be functioning as integral units in adjacent accommodations. Moreover, arrangements for document storage, reproduction of documents and language training are both makeshift and inadequate, as are the Organization's facilities for supporting the work of UN staff and personnel of delegations at official meetings and conferences.

The rental of office space outside the original Headquarters site is both expensive and inefficient. Rental charges add over $1 million to the 1970 UN regular budget and this figure is expected to reach $2 million by 1973. Additionally, rental expenditures by the UN Development Program and the UN Children's Fund will amount to approximately $900,000 in 1970 and are likely to be appreciably higher in subsequent years.

At its most recent session, last fall, the UN General Assembly examined the results of a detailed achitectural and engineering survey of the proposed additions and major alterations to the existing Headquarters premises. After extensive debate, the Assembly authorized the new construction, provided that the financial burden on the regular budget of the United Nations not exceed $25 million of the estimated total of $80 million.

If the Congress authorizes and appropriates a U.S. grant of $20 million towards the proposed Headquarters construction, the Mayor of New York has stated that he will match the Federal contribution. In addition, the City of New York will make available the land south of 42nd Street on which the new building would be constructed, subject to the replacement of the park now on that site by a pile-supported recreation area adjacent to the building site on the East River. In addition, the UN Development Program and the UN Children's Fund, which would be accommodated in the new building, are expected to make lump-sum contributions calculated on the basis of the rentals which these organizations would have paid over some ten years, had they remained in rental premises. Full efforts will also be exerted to obtain maximum financial support from private sources.

Early Congressional authorization and appropriation of the requested contribution are essential to the timely creation of a viable financial package. If the total financing plan could be ready for review and approval by the UN's Advisory Committee on Administrative and Budgetary Questions (ACABQ) at its June session, actual construction could begin in November 1970. If construction began this promptly, present cost estimate levels would not be rendered obsolete by rises in building costs above those already anticipated. While authorization and appropriation of U.S. Government funds is needed as soon as possible, no actual expenditure of U.S. Government funds would occur before fiscal year 1972.

Host governments have customarily defrayed some or all of the accommodations costs of international organizations situated on their territory, in part because they had invited the organizations to locate there and in part in recognition of the often sizable gains realized by the economies of host countries. To cite one recent example, the Austrian Government will build a $25 million United Nations Center at its own expense and lease the building for occupancy by the International Atomic Energy Agency and the United Nations Industrial Development Organization for 99 years at the nominal rent of one Austrian schilling per annum.

In my view, both the United States and the United Nations would benefit from the expansion of the United Nations Headquarters in New York. The United Nations would benefit by being able to keep related activities together and thereby provide unified and efficient direction to them. Similarly, the United States would be better able to supply the constructive leadership required for an effective United Nations. Moreover, American citizens, who are needed for many tasks of the United Nations and for contributing to that Organization's efficiency can be more readily recruited for service in this country than for duty abroad. Finally, the gain in the U.S. balance of payments which would result from UN personnel working in the proposed new Headquarters building in New York, instead of overseas, is conservatively estimated at $12 million annually and in all probability would be much more.

Fully recognizing the importance of the most stringent approach to expenditures by the U.S. Government, I nevertheless consider it to be in the national interest that the necessary expansion of the United Nations take place in the United States and not elsewhere and I respectfully request prompt consideration by the Congress of the attached legislative proposal.

The Department has been advised by the Bureau of the Budget that there is no objection to the presentation of this legislation

and that its enactment would be consistent with the Administration's objectives.

Sincerely,

WILLIAM P. ROGERS.

ADDITIONAL COSPONSORS OF BILLS

S. 3466 THROUGH S. 3472

Mr. PERCY. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that at the next printing the names of the Senator from Colorado (Mr. ALLOTT), and the Senator from Wyoming (Mr. HANSEN) be added as cosponsors of the seven bills (S. 3466 through S. 3472), introduced yesterday, February 18, 1970, by the Senator from Pennsylvania (Mr. SCOTT).

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

SENATE RESOLUTION 360—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS INTO THE UNITED MINE WORKERS ELECTION OF 1969 AND PENSION AND WELFARE FUNDS GENERALLY (S. REPT. NO. 91–708)

Mr. WILLIAMS of New Jersey, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 360) and submitted a report thereon, which report was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 360

Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds.

SEC. 2. For the purposes of this resolution the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

SEC. 3. Expenses of the committee in carrying out its functions shall not exceed $265,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. PERCY. Mr. President, on behalf of the Senator from Tennessee (Mr. BAKER), I ask unanimous consent that, at the next printing, the name of the senior Senator from Indiana (Mr. HARTKE) be added as a cosponsor of S. Res. 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

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

EXTENSION OF VOTING RIGHTS ACT OF 1965 WITH RESPECT TO THE DISCRIMINATORY USE OF TESTS AND DEVICES—AMENDMENT

AMENDMENT NO. 503

Mr. GOLDWATER. Mr. President, today it was my honor to have testified before the Subcommittee of the Judiciary Committee holding hearings on different voting bills.

I ask unanimous consent that the statement I made, together with the amendment, its tables and other statements connected with the matter be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and other material will be printed in the RECORD, as requested by the Senator from Arizona.

The testimony, presented by Mr. GOLDWATER, is as follows:

TO ENHANCE THE CONSTITUTIONAL RIGHT OF ALL AMERICANS TO VOTE FOR THEIR PRESIDENT AND VICE PRESIDENT

Mr. Chairman and Members of the Subcommittee, today I shall propose an amendment which will enhance the right to vote for up to ten million citizens of all races, creeds, and national origins. In short, my proposal will secure the right to vote for President and Vice President for every citizen of the United States without regard to lengthy residence requirements or where he may be on election day.

My amendment is offered on behalf of myself and 28 other Senators. It is presented as a substitute for section 2(c) of the House-passed voting rights measure. Although this section provides for uniform residency requirements, there are several changes which must be made if it is to be effective.

Specifically, the provision should be amended so as to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, to spell out the right of citizens to register absentee and to vote by absentee ballot for such officers, to permit States to adopt voting practices less restrictive than those provided by the law, to authorize the Attorney General to institute court actions to ensure compliance with the law, and to expressly prohibit double voting and false registration.

Also, in order to assure the Constitutionality of the section, it should be amended so as to clearly identify the powers which Congress is exercising under the Constitution and to plainly apply to voting for the offices of President and Vice President alone.

Mr. Chairman, having been my party's nominee for President in 1964, I perhaps have had more reason than most persons to examine the workings of the nation's election machinery. And speaking as a Senator from Arizona, a State which is attracting new residents by leaps and bounds, I have a special reason for wanting that machinery to take account of the needs of this important group of citizens—whether they have come to my State or moved to others.

Mr. Chairman, the sad truth is that the national election system is not geared to insuring that the maximum number of citizens will be eligible to vote. To the contrary, a barrier of outmoded legal technicalities has been erected across the land which disfranchises many millions of citizens who are otherwise fully qualified to vote.

It is my belief that these restrictions are unnecessary when applied to Presidential elections and are utterly out of tune with the changing needs of a modern, mobile society.

The worst offender is the burden on voting imposed by lengthy residency requirements. Sixteen of our States require a full year's residence within their boundaries before they will allow a citizen to vote for President and Vice President. These laws alone affect more than 620,000 Americans of voting age who move from State to State in an election year.

In addition, three States, to which over 150,000 adult citizens move each year, impose a six-month waiting period as a precondition to voting for President.

Thirty-two other States require residence periods ranging from three months down to zero. All but one of these States has enacted special provisions of law which allow new residents to vote for Presidential electors alone. While this is an encouraging sign that the States themselves recognize the inequity in their regular residency laws, even these shortened periods result in the disqualification of 422,000 otherwise eligible voters.

Mr. Chairman, the combined effect of the various State residence laws is the denial of the right to vote for President in the case of over 1,120,000 Americans.

But this is only part of the story. Added to this obstruction to the free exercise of a citizen's franchise were numerous local rules that imposed a separate waiting period on persons who moved about inside a State.

For example, if a citizen living in any one of ten States changed his address to a different county or city in that same State as much as six months before the 1968 election, he would have lost his right to vote in that election. One might think that the cumulative effect of these strictly local rules would be small, but they actually cause the disfranchisement of an additional 855,000 citizens.

Mr. Chairman, I have prepared a table which details the numbers of citizens who are disqualified from balloting in Presidential elections and I request that it be inserted at this point in the record. The table is an updated version of one compiled by the Census Bureau. The difference is that I have used the current residence periods applied by the several counties, cities, towns, precincts, and wards within each State, and have identified the number of citizens of voting age who moved to each State and within each State during the last election year.

Mr. Chairman, it is clear from reading the table that almost two million Americans are being denied a voice in the selection of their President solely because they have changed their residence. In fact, the Gallup poll's in-

depth analysis of the 1968 election claims that the true number of citizens who were disfranchised by restrictive residence laws exceeded five million persons. Since we know that 21 million citizens of voting age made a change of households during the year preceding the 1968 election, it is my feeling that five million is probably closer to the truth.

But these are only a part of the unfortunate citizens who find themselves without the vote because of out-of-date legal technicalities. Approximately three million more fully qualified American citizens were denied the right to vote for President because they were away from home on election day and were not allowed to obtain absentee ballots. This gap in the law is often overlooked because most States do permit absentee voting. But the catch is that some of these same States impose cutoff dates on applications for absentee ballots which disqualify millions of citizens who do not know early enough that they will be away at the time of voting. Another burdensome feature about these laws is the fact that in ten States a person's absentee ballot will not be counted unless it is returned to the voting officials sooner than election day.

Mr. Chairman, I want to state as firmly as I can that this hodgepodge of legal technicalities is unfair, outmoded, and unnecessary when applied to Presidential elections.

In my opinion, every able-minded citizen of the several States should be entitled to participate in the choice of his President—period. A citizen should be able to exercise this right regardless of where he is in the world on election day and regardless of how long he has been a resident of any particular State.

As Chief Justice Taney put it over a century ago: "We are one people, with one common country." *Passenger Cases,* 7 Howard 293, 492 (1849)

Being members of the same political community, it is my view that all citizens possess the same inherent right to have a voice in the selection of the leaders who will guide their government.

Mr. Chairman, I wish to emphasize that my comments are not aimed at the election of State and municipal officers. My amendment is specifically worded so as to apply only to the choosing of the President. Here there is no need to ensure that new residents have had time to learn about local issues. Here the issues are national and cut across all areas and regions of our country.

It is true that all States require their voters to be bona fide residents or recent former residents. It is also true that most States require voters to establish their qualifications by registering to vote within a few days before an election.

When these requirements are applied in a reasonable way, they can serve a valid purpose by protecting against fraudulent voting and allowing the election officials to carry out the paper work and mechanics of holding an election.

But whatever the reasons for permitting a State to set a closeout date for registering to vote for President, there is no compelling reason for imposing a separate and additional requirement that voters also must have been residents of the State for a particular length of time. If a State can satisfy its logistical needs by keeping its voting lists open up to 30 days before an election—as 40 States now do—what is the justification for barring citizens from balloting for President unless they have been residents of the State for six months or one year?

So long as a citizen is a good-faith resident of a State and the State has adequate time to check on his qualifications, the duration of his residency should have no bearing on his right to participate in the election of the President.

This is why my proposal provides for the complete abolishment of the durational residence requirement as a separate qualification for voting for President and Vice President. My amendment will, however, permit a State to require that its voters shall be bona fide residents who shall register or otherwise qualify for voting no later than 30 days preceding the election. Thereby the legitimate interests of the States will be protected at the same time that the fundamental right of citizens to vote will be given its broadest possible meaning.

Mr. Chairman, in order to completely close the gap for those citizens who would still be unable to qualify as voters because they move after the voting rolls are closed, my amendment further provides that former residents of a State who fail for this reason to become electors in their new State must be allowed to vote for President in their former State.

My proposal draws on the excellent example set by the States themselves. Ten States—including Arizona—now permit former residents to vote in Presidential elections.

Next, in order to provide the greatest possible encouragement and meaning to the right to vote, my amendment will permit all categories of citizens, both civilian and military, to register absentee and to vote by absentee ballot.

Specifically, the amendment provides that citizens may apply for absentee ballots for President and Vice President up to 7 days before the election and may return their marked ballots as late as the close of the polls on election day. Once again, the features of my measure are drawn from the proven practice of the States themselves. At present 37 States allow certain voters to make application for absentee ballots up to a week before the election and 40 States provide that the marked ballots need not be returned until election day itself.

My amendment will also allow citizens who are away from their homes to register absentee. Forty-nine States now permit servicemen to register absentee or do not even require them to register at all, and I believe this privilege should be extended nationwide to all citizens, both civilians and servicemen.

In short, every standard set forth in my amendment is modeled after practices that have been used by the States themselves and have been proven workable. Therefore, I can say to those of my colleagues who share with me a special respect and concern for the strength and diversity of our State and local governments that their interests were fully taken into account in the preparation of this measure. Mr. Chairman, I ask that tables identifying the States whose practices I have followed be inserted at the end of my statement.

Mr. Chairman, there are two remaining features of my amendment that should be discussed. One is the provision which authorizes the Attorney General to institute court actions to enforce compliance with the law. There is no general authority that permits the United States to seek injunctive relief and I wanted to see this power spelled out in the bill. Otherwise, the only way the section could be enforced would be through individual, private law suits.

Finally, it is my belief that we should not leave any doubt as to whether there are sanctions in the case of double voting and false registration. Therefore, I have expressly provided that such conduct will be a Federal offense.

Mr. Chairman, up to here I have sought to identify the problem and to describe the ways in which I believe we can solve it. Now it is my purpose to state the grounds on which I think Congress can act in this field.

In doing so, I wish to note that I have also considered the route of a Constitutional Amendment. Early last year I introduced a joint resolution, on behalf of myself and 32 other Senators, proposing an amendment to the Constitution which would have carried out the same purposes as my present measure. But even though our resolution was joined in by a third of the Senate's membership, we were unable to get any action on it.

Now we are a year closer to the next Presidential election. In view of the fact that the time left before that election is fast running out, I have decided to pursue the alternative path of seeking a Federal statute.

By passing a law before the end of this year, we can give the States a full two-year period during which they can bring their local laws into conformity with the national standards. This opportunity is very important to many States because their legislative chambers meet only in alternate years.

Mr. Chairman, once the policy decision is made to cure the problem by means of a statute, rather than an Amendment to the Constitution, I have no difficulty in finding that it is well within the authority of Congress to pass such a statute.

There are at least four distinct grounds for the exercise of Congressional authority in this field, and I shall discuss each of them in turn. First, the power of Congress to secure the rights guaranteed by the Fourteenth Amendment.

The question here is parallel to the one before the Supreme Court in the recent case of *Katzenbach v. Morgan,* 384 U.S. 641 (1966). There the Court was faced with deciding whether Congress could prohibit the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter v. Northampton Election Board,* 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649).

Justice Brennan proceeded by saying: "In answering this question, our task is limited to determining whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch v. Maryland,* 4 Wheaton 316, 420 (1819), when he defined the powers of Congress under the Necessary and Proper Clause.

In applying this test to legislation passed under section 5, the Court held that three questions must be asked: (1) is the statute designed to enforce the Fourteenth Amendment? (2) is it "plainly adapted" to that end? and (3) is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said: "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State voting requirements which fall short of the standards created in my proposal.

It may be granted that the States have

broad powers to determine the conditions under which the right of suffrage may be exercised. *Carrington v. Rash*, 380 U.S. 89, 91 (1965).

It may also be noted that the Supreme Court has affirmed, without opinion, a District Court decision which upheld a one-year residence requirement Maryland had imposed for voting in Presidential elections. *Drueding v. Devlin*, 380 U.S. 125 (1965).

But, is this not the same situation that the facts presented in the *Morgan* case? There, too, the issue involved the power of Congress to preclude the enforcement of a State voting requirement. There, too, the Court was faced with an earlier decision that the requirement was permissible.

In *Morgan*, one crucial factor was present that changed the whole issue before the Court. That same factor is present here. According to the rule of *Morgan*, where the case involves an enactment of Congress designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law is prohibited by that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

The thrust of the *Morgan* decision is that section 5 is a positive grant of legislative power authorizing Congress to use its discretion in determining what laws are needed to secure the guarantees of the Fourteenth Amendment. Under this doctrine, I have no difficulty in believing that the enactment of a uniform residence law is Consitutional.

First, there can be no doubt that the measure is intended to enforce the guarantees of the Fourteenth Amendment. It is designed to protect the right to vote for citizens who travel or move their households prior to a Presidential election. The legislation clearly is meant to secure for this group of citizens freedom from a discriminatory classification in the imposition of voting qualifications that Congress has found to be unnecessary and unfair.

Second, the proposal is "plainly adapted" to furthering the purposes of the Fourteenth Amendment. By passing this law, Congress will effectively enhance the opportunities of millions of Americans to vote for President.

Third, the measure is not "prohibited by but is consistent with" the Constitution.

It may be argued that because the Constitution creates the electoral vote system of choosing the President, the Federal Government may not prevent a State from requiring that persons who vote for its electors shall be citizens of that State. This is true, of course, and my amendment will allow a State to provide that its voters be bona fide residents.

But this reasoning does not mean that a State can deprive citizens of their right to vote for electors merely because they are so newly arrived in the State that they might have a different outlook than longtime residents. This kind of effort at excluding a part of the population from the electorate because of the way they may vote is precisely the kind of thing the Supreme Court said was unconstitutional in *Carrington v. Rash*, 380 U.S 89, 94 (1965).

It might also be argued that since the States possess authority to impose reasonable voting practices, a Federal statute that interferes with these local regulations is not consistent with "the letter and spirit of the Constitution." However, I believe that the rule of *United States v. State of Texas*, 252 Federal Supplement 234, (1966), settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

While the Court recognized that the poll tax system in Texas had the function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates v. City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin v. State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384 U.S. 155 (1966), I believe it offers the controlling principle which the courts will apply to other cases involving a conflict between the assertion of a Constitutional right and a State law that serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro v. Thompson*, April 21, 1969. This case holds particular interest because it concerns the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The Court specifically rejected the argument that a mere showing of a rational relationship between the waiting period and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise eligible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a Constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional." (394 U.S. 634)

Since the State regulations involved here touch on the fundamental right to vote, and other rights which I shall discuss in a moment, it is my belief that Congress may clearly limit the use of such requirements, in order to protect these rights, unless the State laws are shown to promote a "compelling" State interest.

Under this standard, I must conclude that Congress may, consistent with the Constitution, establish the uniform practices that I have suggested. There simply is no compelling reason why a State should condition the right to vote for President on the duration of a citizen's residence or his actual presence on election day. The mere fact that 40 States have been able to satisfy their administrative needs by providing for only a 15 to 30 day period between the close of their voting rolls and election day demonstrates that the legitimate interests of the States can be met by other means. In similar fashion, the fact that 37 States permit some voters to apply for absentee ballots 7 days before an election and that 40 States allow the marked ballots to be returned as late as election day indicates that more restrictive rules are not necessary.

Mr. Chairman, this completes my analysis of the authority conferred on Congress by section 5 of the Fourteenth Amendment. But it does not exhaust the grounds upon which Congress may act. For the interesting thing about this field is that Congress is not limited to action under the Fourteenth Amendment.

This leads to my discussion of the second ground upon which Congress can act—its power to secure the rights inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward v. Maryland*, 12 Wallace 418, (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In *Paul v. Virginia*, 8 Wallace 168, 180 (1868), Justice Field declared that the inherent rights secured to citizens of the several States are those which are common to the citizens by "virtue of their being citizens."

And in the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States v. Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consequently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that these rights include the right to vote in Federal elections. *Ex parte Yarbrough*, 110 U.S. 651, 663 (1884), is one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States v. Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder v. West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the third ground upon which I believe Congress may act is its power to protect the freedom of movement by citizens across State lines.

The right dates back to *Crandall v. Nevada*, 6 Wallace 35, 47 (1867), where the Court first held that "the right of passing through a State by a citizen of the United States is one guaranteed to him by the Constitution."

All decisions of the Supreme Court which are on point agree that the right exists. In delivering the opinion of the Court in *United States v. Guest*, 383 U.S. 745, 757 (1966), Justice Stewart wrote that the freedom to travel throughout the United States "occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized."

And, in *Shapiro v. Thompson*, cited above, the court declared that it "long ago recognized that the nature of our Federal union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and

breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement." (394 U.S. 629)

The connection between the enjoyment of this right and the enactment of a uniform law on voting in Presidential elections is immediately apparent when one looks at the date available for the 1968 election. According to the Census Bureau almost 4 million citizens of voting age moved from one State to another in 1968. An additional 3 million citizens were engaged in visits and travel across State borders at the time of the 1968 election.

It seems entirely legitimate for Congress to decide upon these facts that the lack of uniformity among residence requirements and absentee balloting imposes a substantial burden on the free movement in interstate commerce of millions of Americans who will be disqualified from voting in Presidential elections solely because they move or travel during a year when such elections are held. Congress might well conclude that by framing uniform voting practices, it can effectively protect the right of these citizens to travel interstate without sacrificing the right to vote for their President.

Mr. Chairman, the fourth basis of the power of Congress to adopt legislation in this field is its authority to enforce the privileges and immunities guaranteed to citizens of all the States.

Here I refer to the basic concept underlying the entire Privileges and Immunities Clause which, in the words of the Supreme Court, is "to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned." *Paul* v. *Virginia*, 8 Wallace 168, 180 (1868).

The doctrine was also followed by the Court in *Ward* v. *Maryland*, 12 Wallace 418, 431 (1870), where it was said that the supreme law of the land "requires equality of burden."

Applying this principle to the facts at hand, I believe it is reasonable for Congress to determine that the hodgepodge of State and local requirements applicable to Presidential elections creates exactly that kind of unequal treatment among citizens that the Privileges and Immunities Clause was designed to prevent. I further believe that, in order to enable the citizens of one State to better have the same opportunity to choose the President that is enjoyed by citizens of most States, Congress may properly act under the Necessary and Proper Clause to set uniform voting standards for Presidential elections.

Mr. Chairman, this completes my analysis of the Constitutional questions involved. In closing, I would like to add that a completely independent authority agrees with me that Congress may legislate in this field.

In December I had requested the American Law Division of the Library of Congress to undertake a study of these same questions. When their paper came back I was already well into the preparation of my statement. But upon reading the study, I was delighted to learn that the Library, working through a different route of analysis, had come to the same final conclusion which I had.

Mr. Chairman, their paper offers an excellent discussion of the conflicting considerations involved, and I think it would make an important contribution to the Subcommittee's record. For this reason, I request that the memorandum written by Robert L. Tienken, Legislative Attorney of the American Law Division, be included as a part of the printed hearings.

Finally, Mr. Chairman, I request that the text of my amendment, and the names of the 28 Senators who have joined with me in offering the amendment, be printed in the hearings record.

Mr. Chairman, this concludes my statement.

The table, presented by Mr. GOLDWATER is as follows:

TABLE OF STATE AND LOCAL RESIDENCE REQUIREMENTS APPLICABLE TO VOTING IN PRESIDENTIAL ELECTIONS, JANUARY 1970[1]

1. RULES APPLICABLE ONLY TO NEW RESIDENTS OF A STATE

State	Length in State	Length in county, city, or town	Length in precinct or ward	Interstate migration, 1968	Citizens disqualified[2]
Alabama	1 year	6 months	3 months	56,400	56,400
Alaska[3]	4 days	(4)	(4)	23,900	270
Arizona[3]	60 days	(4)	(4)	85,200	14,200
Arkansas	1 year	6 months	30 days	40,700	40,700
California[3]	54 days	(4)	(4)	527,600	87,933
Colorado[3]	2 months	2 months	15 days	74,200	12,367
Connecticut[3]	60 days	(4)	60 days	57,500	9,583
Delaware[3]	3 months	(4)	(4)	16,200	4,050
District of Columbia	1 year	(4)	1 year	33,100	33,100
Florida[3]	30 days	(4)	(4)	341,200	28,433
Georgia[3]	do	(4)	(4)	88,500	7,375
Hawaii[3]	5 days	(4)	(4)	26,700	366
Idaho[3]	60 days	(4)	(4)	22,200	3,700
Illinois[3]	do	(4)	60 days	167,000	26,833
Indiana	6 months	60 days	30 days	84,900	42,450
Iowa	do	do	(4)	40,500	20,250
Kansas[3]	45 days	45 days	45 days	60,100	7,410
Kentucky	1 year	6 months	60 days	54,600	54,600
Louisiana	60 days	(4)	(4)	53,400	8,900
Maine[3]	30 days	(4)	(4)	18,500	1,542
Maryland[3]	45 days	(4)	45 days	95,400	11,762
Massachusetts[3]	31 days	31 days	(4)	75,000	6,250
Michigan[3]	30 days	30 days	(4)	93,300	7,775
Minnesota[3]	do	(4)	(4)	54,200	4,517
Mississippi	2 years	1 year	6 months	35,500	35,500
Missouri[3]	60 days	(4)	(4)	87,900	14,650
Montana	1 year	30 days	(4)	18,300	18,300
Nebraska[3]	2 days	(4)	(4)	30,000	164
Nevada	6 months	30 days	10 days	22,400	11,200
New Hampshire[3]	30 days	(4)	(4)	17,900	1,492
New Jersey[3]	40 days	40 days	(4)	142,900	15,660
New Mexico[5]	1 year	90 days	90 days	48,100	48,100
New York[3]	90 days	do	30 days	173,200	43,300
North Carolina[3]	60 days	(4)	(4)	70,800	11,800
North Dakota[3]	10 days	(4)	(4)	11,400	312
Ohio[3]	40 days	(4)	(4)	155,600	17,051
Oklahoma[3]	15 days	(4)	(4)	58,400	2,400
Oregon[3]	None	None	None	52,800	
Pennsylvania	90 days	(4)	(4)	109,800	27,450
Rhode Island	1 year	6 months	(4)	18,200	18,200
South Carolina	do	do	3 months	42,400	42,400
South Dakota	do	(4)	(4)	14,000	14,000
Tennessee	do	3 months	(4)	65,900	65,900
Texas[3]	60 days	(4)	(4)	179,500	29,917
Utah	1 year	4 months	60 days	23,000	23,000
Vermont	do	(4)	(4)	8,800	8,800
Virginia	do	6 months	30 days	121,400	121,400
Washington[3]	60 days	(4)	(4)	87,600	14,600
West Virginia	1 year	60 days	(4)	25,000	25,000
Wisconsin[3]	1 day	(4)	(4)	54,900	150
Wyoming	1 year	60 days	(4)	15,200	15,200
Total				3,881,300	1,116,712

[1] In States where length of residence is not specified, the term "residence requirement" means cutoff time by which citizens must apply for, or execute affidavit to obtain, a Presidential ballot.

[2] This column is incomplete. It only includes new residents who are disqualified by State residence laws. It does not include new residents who are disqualified by local requirements because there are no statistics available to identify number of newly arrived residents who move within a State after their removal to that State.

[3] These States have enacted special residence rules which allow new residents to vote for President and Vice President, but no other offices, with less than regular length of residence.

[4] Not applicable.

[5] The special provisions of law in New Mexico that had permitted new residents to vote for presidential electors were repealed by sec. 451, ch. 240, New Mexico Laws, 1969.

Source: Original State election laws as compiled by American Law Division, Library of Congress, Jan. 21, 1970, in case of special provisions of law relating to new residents. Date relative to regular residency laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Interstate migration figures obtained from Bureau of Census 1968 annual national survey.

2. RULES APPLICABLE TO RESIDENTS WHO MOVE WITHIN SAME STATE

State	Length in county, city or town	Length in precinct or ward	Intercounty migration	Intracounty migration	Citizens disqualified by local rules
Alabama	6 months	(1)	53,900	246,800	26,950
Alaska	(1)	(1)	3,800	11,400	
Arizona	30 days	(1)	15,600	83,400	1,300
Arkansas	6 months	30 days	35,700	128,200	23,192
California	(1)	(1)	440,000	1,302,100	
Colorado	15 days	(1)	52,400	107,400	2,153
Connecticut	(1)		23,300	197,700	
Delaware	3 months	30 days	1,800	32,600	1,808
District of Columbia				75,300	
Florida	6 months		82,300	324,700	41,150
Georgia	30 days		106,600	310,800	8,883
Hawaii	3 months	(1)	4,400	47,100	1,100
Idaho	30 days		15,200	40,600	1,267
Illinois	90 days	30 days	145,300	875,000	72,783
Indiana	60 days	30 days	85,500	339,500	28,396
Iowa	do		63,600	183,100	10,600
Kansas	30 days	30 days	51,600	140,300	10,146
Kentucky	6 months	60 days	56,900	256,600	49,823
Louisiana	(1)	(1)	64,800	220,300	
Maine	3 months		14,300	64,700	3,575
Maryland	6 months	(1)	62,000	192,400	31,000
Massachusetts	(1)		85,200	373,020	
Michigan	(1)		166,600	567,200	
Minnesota		(1)	84,100	215,900	
Mississippi	1 year	6 months	41,800	140,300	76,875
Missouri	60 days		117,700	322,900	19,617
Montana	30 days		17,900	43,000	1,500
Nebraska	40 days	10 days	32,100	91,400	3,768

See footnotes at end of table.

State	Length in county, city or town	Length in precinct or ward	Intercounty migration	Intracounty migration	Citizens disqualified by local rules
Nevada	30 days	10 days	3,400	20,100	558
New Hampshire	(1)		6,300	39,800	
New Jersey	40 days		125,400	392,800	13,741
New Mexico	90 days	30 days	15,300	52,600	6,017
New York	3 months		439,500	1,135,400	109,875
North Carolina		(1)	85,300	325,000	
North Dakota	90 days	(1)	13,900	34,500	3,475
Ohio	(1)	(1)	169,000	806,900	
Oklahoma	2 months	20 days	58,800	166,400	13,860
Oregon			52,500	124,900	
Pennsylvania		(1)	174,400	805,000	
Rhode Island	6 months	(1)	7,900	61,800	3,950
South Carolina	do	3 months	34,600	163,100	37,937
South Dakota	(1)	(1)	16,600	38,100	
Tennessee	3 months		51,400	287,600	12,850
Texas	6 months		283,000	695,400	141,500
Utah	4 months	60 days	15,500	54,900	9,742
Vermont	(1)		5,200	26,200	
Virginia	6 months	(1)	109,100	223,600	54,550
Washington	90 days	30 days	65,700	208,300	25,105
West Virginia	60 days	(1)	29,300	129,000	4,883
Wisconsin		(1)	78,800	276,100	
Wyoming	60 days	(1)	6,600	21,200	1,100
Total			3,771,800	13,022,500	855,029

[1] Those jurisdictions of a State which waive their usual residence laws by allowing newly arrived residents to vote in former election district of the same State when move was solely intrastate.

Note: In computing the effect of precinct and ward residence requirements, it is assumed that one-half of citizens who moved intracounty had crossed precinct or ward boundary lines.

Source: Data relative to regular residency laws of States obtained from Legislative Reference Service publication 69-228A, dated Sept. 25, 1969. Intercounty and intracounty migration figures obtained from 1968 annual national survey by Bureau of Census.

3. TOTAL NUMBER OF CITIZENS DISQUALIFIED IN EACH STATE BY BOTH STATE AND LOCAL RESIDENCE REQUIREMENTS

State	Number of citizens disqualified	State	Number of citizens disqualified	State	Number of citizens disqualified	State	Number of citizens disqualified
Alabama	82,350	Indiana	70,846	Nevada	11,758	South Dakota	14,000
Alaska	270	Iowa	30,850	New Hampshire	1,492	Tennessee	78,750
Arizona	15,500	Kansas	17,556	New Jersey	29,401	Texas	171,417
Arkansas	63,892	Kentucky	104,423	New Mexico	54,117	Utah	32,742
California	87,933	Louisiana	8,900	New York	153,175	Vermont	8,800
Colorado	14,520	Maine	5,117	North Carolina	11,800	Virginia	175,950
Connecticut	9,583	Maryland	42,762	North Dakota	3,787	Washington	39,705
Delaware	5,858	Massachusetts	6,250	Ohio	17,051	West Virginia	29,883
District of Columbia	33,100	Michigan	7,775	Oklahoma	16,260	Wisconsin	150
Florida	69,583	Minnesota	4,517	Oregon		Wyoming	16,300
Georgia	16,258	Mississippi	112,375	Pennsylvania	27,450		
Hawaii	1,466	Missouri	34,267	Rhode Island	22,150	Total	1,970,741
Idaho	4,967	Montana	19,800	South Carolina	80,337		
Illinois	99,616	Nebraska	3,932				

The appendix, presented by Mr. GOLDWATER, is as follows:

APPENDIX

I. REGISTRATION CLOSING DATES FOR VOTING FOR PRESIDENT AND VICE PRESIDENT

1. Summary

Forty States keep their voting rolls open for registration until at least the thirtieth day preceding a Presidential election.

Thirty-one States have special registration or application close out dates which apply only to new residents. Eighteen of these States permit a voter to apply for a special Presidential ballot as late as 15 days before the election.

Thirty-six States allow a voter to register at least up to 30 days preceding the election under their regular laws.

2.—TABLE SHOWING NUMBER OF DAYS PRECEDING ELECTION BY WHICH VOTER MUST REGISTER OR APPLY TO VOTE

	Special rules for new residents	Regular rules
Alabama		10 days.
Alaska	4 days	Not specified.
Arizona	do	43 days.
Arkansas		20 days.
California	54 days	53 days.
Colorado	3 days	25 days.
Connecticut	1 day	28 days.
Delaware	16 days	16 days.
District of Columbia		45 days.
Florida	30 days	30 days.
Georgia	14 days	50 days.
Hawaii	5 days	20 days.
Idaho	10 days	3 days.
Illinois	30 days	28 days.
Indiana		29 days.
Iowa		10 days.
Kansas	1 day	10 to 20 days.
Kentucky		59 days.
Louisiana	60 days	30 days.
Maine	30 days	0 to 10 days.
Maryland	Election day	28 days.
Massachusetts	31 days	Do.
Michigan	3 days	30 days.
Minnesota	30 days	20 days.
Mississippi		4 months.
Missouri	No closing date specified.	24 to 28 days.
Montana		40 days.
Nebraska	2 days	10 days.
Nevada		38 days.
New Hampshire	30 days or less	5 to 10 days.
New Jersey	40 days	40 days.
New Mexico		30 days.
New York	25 days	23 days.
North Carolina	3 days	21 to 24 days.
North Dakota	10 days	Registration not required.
Ohio	40 days	40 days.
Oklahoma	15 days	10 days.
Oregon	No closing date specified.	30 days.
Pennsylvania		50 days.
Rhode Island		60 days.
South Carolina		30 days.
South Dakota		20 days.
Tennessee		45 days.
Texas	30 to 45 days	9 months, 3 days.
Utah		10 days.
Vermont		2 days.
Virginia		30 days.
Washington	1 day	Do.
West Virginia		Do.
Wisconsin	1 day	12 to 19 days.
Wyoming		15 days.

Source: Original State election laws in case of special provisions applicable to new residents, as compiled by American Law Division, Library of Congress, Jan. 21, 1970. Digest of State election laws compiled by Legislative Reference Service, Library of Congress, June 5, 1968, in case of regular requirements of State law. (A-243)

II. STATES WHICH ALLOW FORMER RESIDENTS TO VOTE IN PRESIDENTIAL ELECTIONS

Ten States permit recent, former residents to vote for President and Vice President: Alaska, Arizona, Connecticut, Michigan, New Jersey, Tennessee, Texas, Vermont, Wisconsin, and Wyoming.

In addition, the New York State Constitution (Article 2, section 9) authorizes the State legislature to allow former residents of that State to vote for President and Vice President.

(SOURCE.—Alaska Statutes 1962, sec. 15.05 .020(7); Arizona Revised Statutes Annotated 1956, section 16-171; Connecticut General Statutes Annotated 1960, section 9-158; Michigan Compiled Laws Annotated 1967, section 168.758a(1)(b); New Jersey Statutes Annotated 1952, section 19:58-3; Tennessee Code Annotated 1955, section 2-403; Civil Statutes of Texas Annotated (Vernon's 1968), Article 5.05b; Vermont Statutes Annotated 1958, title 17, section 67; Wisconsin Statutes Annotated (West's 1957), section 6.18; and Wyoming Statutes Annotated 1957, section 22-118.3(k) 6.)

III. STATE REQUIREMENTS ON ABSENTEE BALLOTING

All States but three permit absentee voting by civilians generally. Alabama, Mississippi, and South Carolina allow only limited categories of civilians to vote absentee.

All States permit absentee balloting by servicemen.

The following 40 States [1] expressly permit absentee ballots of certain categories of their voters to be returned as late as the day of the election or even later:

Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland.

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio.

[1] This list includes only those States in which the statutory laws clearly satisfy this test. There may be additional States in which similar opportunities for return of absentee ballots are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

The following 37 States[2] expressly permit certain categories of their voters to make application for absentee ballots up to seven days or less before an election:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana.

Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York.

North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

IV. STATE REQUIREMENTS ON ABSENTEE REGISTRATION

1. Twenty-three States permit civilian voters to register absentee if they are away from home. One State, North Dakota, does not require civilian voters to register at all.

Twenty States will allow civilians generally to register absentee: Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota Nebraska New Mexico, New York, Oregon, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.

Two States, Florida and Georgia, grant the privilege of absentee registration to Federal employees who are outside the United States.

One State, Colorado, will permit voters to register members of their families who are away from home.

2. Thirty-eight States permit servicemen to register absentee: Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

Thirteen of these States provide that a voter may apply for absentee registration at the same time he applies for an absentee ballot: California, Colorado, Connecticut, Delaware, Florida, Indiana, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, and South Dakota.

Nine of the thirty-eight States do not require registration by servicemen in advance of voting. These voters may register at the same time as they use their absentee ballot merely by completing an affidavit included with the ballot: Idaho, Iowa, Maryland, Nebraska, Oregon, Utah, Vermont, Washington, and Wyoming.

Eleven States do not require servicemen to register at all: Arkansas, Illinois, Kansas, Missouri, New Jersey, Ohio, Oklahoma, Rhode Island, Texas, Virginia, and Wisconsin.

(SOURCE.—Legislative Reference Service, American Law Division, report dated September 24, 1969, as amended. (69–226A)).

[2] This list includes only those States in which the statutory laws clearly permit certain voters to apply for absentee ballots within 7 days or less before an election. There may be additional States in which similar opportunities for absentee voting are granted pursuant to rules or regulations issued under laws that are otherwise silent on this matter.

(SOURCE.—Legislative Reference Service, Library of Congress (1) Digest of major provisions of the laws of the States relative to absentee voting, dated September 24, 1969, (69–226A), and (2) Summary of Election Laws of the States, dated June 5, 1968 (A–243).)

The analysis, presented by Mr. GOLDWATER, is as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., January 12, 1970.

To: Hon. BARRY M. GOLDWATER.
From: American Law Division.
Subject: Constitutionality of Section 2(c), of H.R. 4249, 91st Congress; Extension of Voting Rights Act of 1965, Statutory Uniform Residency Requirement for Voting for President and Vice President.

Reference is made to your request for an analysis of the constitutionality of Section 2(c) of H.R. 4249, 91st Congress (Extension of Voting Rights Act of 1965).

Section 2(c), as passed by the House of Representatives on December 11, 1969, would establish a uniform residency requirement within States and the District of Columbia for voting for electors of the President and Vice President.

Specifically, the provision reads:

"(1) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

"(2) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election: (A) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (B) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(3) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

"(4) 'State' as used in this subsection includes the District of Columbia."

In examining the question of whether Congress possesses the authority to enact such legislation, consideration should first be given to the nature of the right to vote as a subject in the Constitution. The right to vote is not a privilege or immunity of citizens of the United States (*Minor* v. *Happerset*, 88 U.S. 162 (1874)), nor is the privilege to vote in any state given by the Constitution (*Breedlove* v. *Suttles*, 302 U.S. 277 (1937)). Instead, the privilege of voting in a state is within the jurisdiction of the state itself, "to be exercised as the State may direct, and upon such terms as to it may seem proper, provided of course, no discrimination is made between individuals in violation of the Federal Constitution" (*Pope* v. *Williams*, 193 U.S. 621 (1904)).

Actually, the Constitution is not as barren as respects the right to vote as the statement from *Pope* v. *Williams* supra, would imply. The Constitution does establish a right to vote for United States Representatives (Article I, § 2) and United States Senators (Amendment Seventeen), and, when granted by the States, for Electors of the President and Vice President (Article II, § 1). Such right, however, is subject to such requirements as may be set forth by the States so long as the requirements do not violate the Constitution (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966)), nor contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed (*Lassiter* v. *Northampton Board of Elections*, 360 U.S. 45 (1959)).

Among the prerequisites which a state may adopt as a qualification for voting is that of residence within its jurisdiction (*Lassiter* v. *Northampton Elections Board*, supra; *Carrington* v. *Rash*. 380 U.S. 89 (1965), so long as no discrimination is made between individuals in this respect, in violation of the equal protection of laws clause of Amendment Fourteen, section 1, of the federal constitution (*Lassiter* v. *Northampton Elections Board*, supra; *Carrington* v. *Rash*, supra.).

As noted, the authority to establish qualifications to vote for presidential electors has been placed by the Constitution in state legislatures (*McPherson* v. *Blacker*, 146 U.S. 1, 34–35 (1892); Article II, § 1, cl. 1, "Each state shall appoint, in such manner as the legislature thereof may direct, a number of Electors . . ."). Nevertheless, the power of each state to establish qualifications for voters for presidential electors is limited by the various amendments to the Constitution such as the Fourteenth, Fifteenth, Nineteenth, etc., whenever presidential electors are, by state laws, elected by popular vote (see, for instance, *Drueding* v. *Devlin* (D.C. Md) F. Supp. 721 (1964), aff'd 380 U.S. 125; James C. Kirby, Jr., "Limitations On The Powers Of State Legislature Over Presidential Elections", 27 Law And Contemporary Problems, 495, 496, Summer, 1962)).

The federal courts have considered the question of the validity of state residency requirement for voting under the Fourteenth Amendment's equal protection of laws clause on several occasions.

In *Pope* v. *Williams*, 193 U.S. 621 (1904), the Supreme Court denied a challenge based on the equal protection of laws clause, against a Maryland statute requiring persons moving into the State to make declaration of their intent to become citizens and residents of the State a year before they secure the right to be registered as voters, by registering their names with the clerk of the proper county. Holding that while the right to vote for Members of Congress is not derived exclusively from the law of the state in which they are chosen but has its foundation in the Constitution and laws of the United States, the voter must be one entitled to vote under the state statute, and the statute in this situation did not create an unlawful discrimination against new residents.

In *Carrington* v. *Rash*, 380 U.S. (1964), the Supreme Court held invalid under the equal protection clause a Texas constitutional provision which prohibited any member of the armed forces who moved into Texas during his tour of duty from voting, notwithstanding the fact that he had fulfilled all other requisites for voting. The avowed purpose of the Texas law was to enable small communities near large military installations to avoid a deluge of soldier votes on local issues.

Declaring that a state has the authority to "impose reasonable residence restrictions on the availability of the ballot", (p. 91), the Court went on to state that the Texas provision was unique in that it prohibited a serviceman from acquiring a voting residence in the State so long as he remained in service. This, the Court determined, was not a reasonable classification within the requirements of the equal protection clause. The Texas provision "fenced out" from the franchise a section of the population because of the way they might vote, i.e., the fact that

servicemen with bona fide residence intentions, if allowed to vote in Texas could "overwhelm" local elections. This, the Court held, was "constitutionally impermissible" (p. 94). It stated, "the exercise of rights so vital to the maintenance of democratic institutions cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents", (p. 94).

The Court also repudiated the argument of Texas that it was in many instances difficult to tell whether persons moving to Texas while they were in the service had the genuine intent to remain which would establish residency. Texas argued that the administrative convenience of avoiding difficult factual determinations justified a blanket exclusion of all those in the doubtful category. In rejecting this "conclusive presumption" approach, the Court noted that, "States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State" (p. 96).

Subsequently, although not consistently, the Court began to apply a standard of "strict review" in cases where the right to vote had been denied by outright disfranchisement, instead of utilizing a test that the state law need bear only some rational relationship to a legitimate end in order to be acceptable under the equal protection clause.

In *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969), the Court invalidated a New York statute limiting the vote in certain school district elections to owners or lessees of taxable property, their spouses, and parents or guardians of children attending district schools, on the ground that the selection of voters was not made with sufficient precision to meet the strict standards of review which the Court concluded should apply when the vote is denied. The statute was found to extend the right to vote in such elections to "many persons who have, at best, a remote and indirect interest" in the outcome of the elections, while excluding "others who have a distinct and direct interest."

At issue was differentiation among citizens of the state as regards the right to vote, all of whom possessed the requisite qualifications of age and residency. The Court failed to find that the exclusions were necessary to promote a compelling state interest, since the statute failed to differentiate among eligible voters with sufficient precision to justify denying the franchise to the appellant. If a state is to classify voters it must be so tailored that the exclusion of certain voters is necessary to achieve the articulated state goal.

In *Cipriano* v. *City of Houma*, 395 U.S. 701 (1969), the Court invalidated a Louisiana statute restricting the franchise to those who owned taxable property to vote on revenue bonds for public utilities, on the same grounds as in *Kramer*, supra. The challenged statute granted the right to vote in a limited purpose election to some otherwise qualified voters and denied it to others who were as substantially affected and directly interested in the matter voted upon as were those who were permitted to vote. All would be affected by the increase in utility rates in order to pay off the revenue bonds.

The *Kramer* and *Cipriano* decisions although resting upon want of precision in differentiating groups of otherwise qualified voters, also touched upon questioning a state's purpose in limiting the electorate on the basis of "interest". Raised for later application was the concept that a state, in keeping those assertedly not "interested" from voting, had imposed a standard which was inherently discriminatory or impossible of fair implementation. How much more discriminatory would be a statute such as a residency requirement which discriminated among voters with the same degree of interest, i.e., that prevented new residents from voting for electors of President and Vice President? However, since voters elect presidential electors in the respective states it can be argued that local knowledge is a prerequisite for making this choice.

Two other cases respecting residency requirements for voting have been considered by the Supreme Court. Both involved challenges to state residency requirements as a violation of the equal protection clause as respects new residents voting in a presidential election. The first case sustained Maryland's then one year residency requirement for voting in presidential elections holding that it was not so unreasonable as to amount to an irrational or unreasonable discrimination in violation of the equal protection of laws clause of the Fourteenth Amendment (*Drueding* v. *Devlin*, (D.C. Md.) 234 F. Supp. 721 (1964), affirmed 380 U.S. 125). The decision was affirmed by the Supreme Court without opinion. The district court, noting that the effect of the requirement might result in some inequality as respects newly arrived residents, nevertheless held it to be not so unreasonable as to amount to discrimination prohibited by the equal protection clause. The standard applied by the district court to the residency requirement was that applied to ordinary state regulation; that is, restrictions need bear only some rational relationship to a legitimate end (pp. 724–725). (Maryland subsequently reduced its residency requirements for voting in presidential elections by new residents to forty-five days (2nd Ann. Code. 1967 Replacement Volume, 1968 Supp., Art. 33, § 28–1)).

The second case arose in Colorado in 1968, when the residency requirement of not less than six months in order to vote for President and Vice President, was challenged. Relying on the *Drueding* decision and the per curiam affirmance thereof by the Supreme Court, the three judge federal district court in Colorado applied the same standard as in *Drueding* and sustained the requirement as not being so unreasonable as to contravene the equal protection of laws clause (*Hall* v. *Beals*, (D.C. Colo.) 292 F. Supp. 610 (1968)). The decision was rendered on November 29, 1968, after the election, and was appealed to the Supreme Court. While the appeal was pending, Colorado reduced its residency requirement for voting in presidential election to two months prior to the election (Stats. § 49–24–1, as amended, 1969).

On November 24, 1969, in a per curiam opinion in which six Justices joined, the Supreme Court held the case to be moot and ordered the judgment of the district court to be vacated, (*Hall* v. *Beals*, 38 United States Law Week, p. 4006, (November 25, 1969)). The mootness decision was based upon the fact that it was impossible to grant the appellants the relief they sought in the district court; they had by then satisfied the six months requirement of which they complained; and, the Colorado Legislature had changed and reduced the requirement to two months.

Thus, although residency requirements have been struck down in some situations as violative of the equal protection of laws clause, in the one instance in which the Supreme Court had an opportunity to pass upon the validity of a residency law as respects voting in presidential elections, it affirmed without opinion a three judge federal district court decision sustaining a one year residency requirement as being not unreasonable for voting in a presidential election, (*Drueding* v. *Devlin*, supra.).

With this background of judicial scrutiny of states residency requirements for voting, may Congress legislate and provide by statute a uniform residency requirement for voting in presidential elections? The purpose of the statute such as section 2(c), would be to prevent discrimination against new residents who are prohibited by state residency laws from voting in presidential elections.

The sources of authority available to Congress to enact legislation in the area of elections and voting rights are several, but all of them except one have yet to be construed broadly enough by the Supreme Court to serve as a basis for Congress to enact a uniform residency act for presidential elections.

Under Article I, section 4 of the Constitution Congress is granted authority to regulate the manner of holding elections for Members of the Senate and the House. The United States Supreme Court has stated, in dicta, that the power of the states to legislate respecting elections including the setting of voter qualifications as provided in Article I, section 2, and Amendment Seventeen of the Constitution exists only to the extent that Congress has not restricted state action by the exercise of its powers under Article I, section 4 (see *U.S.* v. *Classic*, 313 U.S. 299 (1940); *Lassiter* v. *Northampton Elections Board*, 360 U.S. 45 (1959); and, a note, "Federal Elections—The Disfranchising Residence Requirement", 1962 University of Illinois Law Forum, Spring, p. 101). However, the Court has never explicitly held, in a case directed to the point, that the powers of Congress under Article I, section 4 do include authority to regulate voting qualifications. In any event, authority under Article I, section 4 only extends to the election of Senators and Representatives and not to presidential elections. It is unavailable for this purpose.

It is arguable that authority could flow to Congress from its power, under Article IV, section 4, of the Constitution to guarantee every state a republican form of government (see, "The Guarantee Clause of Article IV, Section 4, A Study In Constitutional Desuetude", Arthur E. Bonfield, 46 Minnesota Law Review, 513, 566–67, January, 1962), but the clause has not been held relevant to governmental units other than state governments (see, *Minor* v. *Happerset*, 88 U.S. 162 (1875)), and the courts have not decreed that it related to voting qualifications.

The power of Congress, under section 5 of the Fourteenth Amendment to enact appropriate legislation to enforce the clause in section 1 of the Amendment forbidding states to abridge the privileges and immunities of citizens of the United States, has not been extended by the courts to include voting qualifications. By implication, Congress has been deemed to possess authority, under section 2 of Amendment Fifteen of the Constitution, to enact appropriate legislation to enforce that Amendment's proscription against racial discrimination in voting (see, *Smith* v. *Allwright*, 321 U.S. 649 (1944)), and thus protect a privilege and immunity of a citizen of the United States, but the courts have not extended such authority generally as respects the privileges and immunities clause in Amendment Fourteen (see *Pope* v. *Williams*, 193 U.S. 632 (1904); *Minor* v. *Happerset*, 88 U.S. 171 (1874)).

A further possible source of Congressional authority is the inherent power to preserve the departments and institutions of the federal government from impairment or destruction from corruption and fraud in elections (see, *Burrough and Cannon* v. *United States*, 290 U.S. 534 (1934), in which the authority of Congress to enact those portions of the Federal Corrupt Practices Act (2 U.S.C. § 241 et seq.) relating to presidential elections, was sustained). Possessing such authority, Congress may also select the choice of means to that end (supra, p. 547). While Congress thus possesses the authority to preserve the purity of presidential elections as an aspect of its inherent power to preserve the Government, such authority has thus far not been held to include the setting of qualifications of voters in presidential elections or, in any federal election for that matter.

Another projected source for such authority is contained in H.J. Res. 681, 91st Congress, passed by the House of Representatives on September 18, 1968. This con-

stitutional amendment which provides for direct popular election of the President and Vice President contains in section 2 thereof authorization to Congress to "establish uniform residence qualifications" for voting in presidential elections. The House Judiciary Committee, in its report on the proposed amendment (H. Rept. 91–253) did not necessarily deny that Congress possessed such authority at the present time. It stated, p. 13, "This does not modify or limit any existing constitutional powers of the Congress to legislate on the subject of voting qualifications".

Consequently, while several sources have been mentioned as possible constitutional bases empowering Congress to enact a uniform residency statute for voting in presidential elections they all have flaws which prevent complete reliance upon them or they have only been passed by one House (i.e., H.J. Res. 681, 91st Congress).

There is, however, one further source which, by implication, the House Judiciary Committee recognized in its report on H.J. Res. 681 (see, supra). This is the power granted to Congress in Section 5 of Amendment Fourteen. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article," which enables it to enact legislation prohibiting the denial of equal protection of the laws by states to persons within their jurisdictions. The rationale supporting the existence and exercise of such power is that uniform residency requirements for voting in presidential elections can be established by Congress for the reason that existing state requirements unduly discriminate against new residents who are members of a general class of citizens who possess the right to vote (except for state residency requirements) for our two officials elected nationwide and in the election for which the possession of special knowledge concerning local issues and candidates is immaterial.

Until recently, congressional authority under section 5 of Amendment Fourteen had been limited by the philosophy which dominated the 1883 decision by the Supreme Court, the *Civil Rights Cases*, 109 U.S. 3. That philosophy limited congressional authority to legislate in areas of section 1 of Amendment Fourteen where corrective legislation might be necessary for counteracting state laws on a subject which the states are prohibited by the equal protection clause from making or enforcing. In addition, the specification of such areas forbidden by the equal protection clause had become a function of the courts alone (see, "Fourteenth Amendment Enforcement and Congressional Power, to Abolish the States", George R. Poehner, 53 California Law Review, 293, April 1967). Congress was not deemed to possess authority, under section 5 of Amendment Fourteen to adopt general legislation upon the rights of the citizen (see, *Civil Rights Cases*, supra, pp. 13–14). For these, among other reasons, the Congress enacted little positive legislation in the civil rights field after 1883 until the late nineteen fifties.

The civil rights legislation enacted in 1957 and in subsequent years has given rise to numerous suits and decisions by the courts, but the courts themselves, as well, have continued to exercise their traditional independent role in interpreting Amendment Fourteen in situations exclusive of federal legislation (see, for instance, the *Kramer* and *Cipriano*, decisions, supra).

In 1966, the Supreme Court rendered two opinions concerning the Voting Rights Act of 1965 (42 U.S.C. §§ 1973, 1973c-p) which fundamentally changed the concept of the powers of Congress pursuant to section 2 of Amendment Fifteen and section 5 of Amendment Fourteen from a negative, corrective power to a positive, rights-implementing one. The decisions were, *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), and, *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966)).

South Carolina v. *Katzenbach*, supra, involved the constitutionality of the Voting Rights Act of 1965 (42 U.S.C. §§ 1973, 1973c-p). In an original suit in the Supreme Court, South Carolina, joined by five other states as amici curiae (Alabama, Georgia, Louisiana, Mississippi, and Virginia) challenged the power of Congress to suspend the use of a state literacy test for voting in state and political subdivision elections, where the text was fair on its face and there had been no prior judicial finding of discrimination. At issue was Section 2 of Amendment 15, the so-called, "enforcement" provision similar to Section 5 of Amendment 14.

South Carolina argued that the power there conferred was confined to preventing or redressing illegal conduct, the *Civil Rights Cases* approach. The Court, however, adopted a broader view. After reviewing the history of the legislation, the Court stated that the power of Congress in Section 2 was far broader than redressing illegal state conduct. "As against the reserved powers of the states, Congress may use any rational means to effectuate the constitutional prohibition of racial discrimination in voting" (supra, p. 324). It stated further, "By adding (Section 2), the Framers indicated that Congress was to be chiefly responsible for implementing the rights created in Section 1. 'It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the (Civil War) amendments fully effective'. *Ex parte Virginia*, 100 U.S. 339, 345. Accordingly, in addition to the courts, Congress has full remedial powers to effectuate the constitutional prohibition against racial discrimination in voting" 'supra, pp. 325–26).

Continuing, the Court added: "The basic test to be applied in a case involving Section 2 of the Fifteenth Amendment is the same as in all cases concerning the express powers of Congress with relation to the reserved powers of the states. Chief Justice Marshall laid down the classic formulation 50 years before the Fifteenth Amendment was ratified:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 4 Wheat. 316, 421.

"The Court has subsequently echoed his language in describing each of the Civil War Amendments:

"Whatever legislation is appropriate, that is adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power'. Ex parte Virginia, 100 U.S. at 345–346." (supra, pp. 326–327).

In short, the Court declared that the enforcement power of Congress under Section 2 of the Fifteenth Amendment (and inferentially under Section 5 of the Fourteenth Amendment) was as broad as the power derived from Article I, Section 8, clause 18, the "necessary and proper" clause and the authority enunciated in *McCulloch* v. *Maryland*, supra. The implication was that "under the parallel enforcement provision of the Fourteenth Amendment Congress may regulate activities which do not themselves violate the prohibitions of that amendment, where the regulation is a rational means of effectuating one of its prohibitions" (see, "The Supreme Court 1965 Term", Archibald Cox, 80 Harvard Law Review 102, November, 1966). Rendered nugatory by the decision was that aspect of the *Civil Rights Cases*, supra, that the power of Congress under the Civil War Amendment was limited to preventing or redressing illegal conduct arising from state action.

In *Katzenbach* v. *Morgan*, supra, the Court expanded elements in *South Carolina* v. *Katzenbach*, supra, and, in effect, diminished further that aspect of the *Civil Rights Cases*, supra, in which it reserved for itself the power to specify the kinds of activities which were forbidden by the equal protection clause. The case concerned Section 4(e) of the Voting Rights Act of 1965 (79 Stat. 439, 42 USC § 1973b(e)) which provided that no person who has successfully completed the sixth grade in an American flag school (such as in Puerto Rico where the instruction is in Spanish) shall be denied the right to vote because of inability to read or write English. The case involved the validity of the provision in terms of New York State's English literacy test under which thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico were barred from voting in that State. The Court upheld the section as legislation appropriate for the enforcement of the equal protection clause.

The Court's opinion concerned the question of determining whether such legislation is, as required by Section 5 of Amendment 14, appropriate legislation to enforce the equal protection clause.

The opinion has two parts. The first deals with the question of deferring to congressional judgment in reviewing legislation enacted under Section 5. The second deals with the constitutionality of that judgment as reflected in the said Section 4(e) of the 1965 Act.

In respect to the first question, the Court declared that the draftsmen of Section 5 of Amendment 14 intended to grant to Congress the same broad powers expressed in Article I, Section 8, clause 18, the "necessary and proper" clause as were enunciated in *McCulloch* v. *Maryland* (supra, p. 650).

Viewing Section 4(e) of the 1965 Act in broad terms the Court stated that it could be construed "as a measure to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by government—both in the imposition of voting qualifications and the provision or administration of governmental services, such as public schools, public housing and law enforcements" (supra, p. 652).

Stating that, "It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement" (supra, p. 653), the Court then spelled out its deferment to congressional judgment as had been touched upon in *South Carolina* v. *Katzenbach*, supra: "It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. There plainly was such a basis to support Section 4(e) in the application in question in this case. Any contrary conclusion would require us to be blind to the realities familiar to the legislators" (supra, p. 653).

In stating that the authority of Congress under Section 5 of Amendment 14 was similar to its authority under the "necessary and

proper" clause, the Court held that congressional powers had been increased by section 5 and that Congress could impose affirmative obligations upon states in instances in which the Court had not previously held that Amendment imposed them. If the requirement of affirmative action which Congress, in its judgment, uses to ensure uniform application of equal protection is plainly adopted to the standard set forth in *McCulloch* v. *Maryland*, see supra, and is not expressly prohibited by the Constitution, the requirement should receive judicial approval. In other words, regardless of whether the New York requirement was a denial of equal protection as declared by the Judiciary, Congress can make such a determination and enact remedial legislation based upon its decision, subject only to constitutional limitations. Such legislation may require affirmative action to be taken by a state or states toward the goal of equal protection such as making absentee voting procedures available.

The second part of the decision supported the Court's description of the power of determination by Congress. It stated: "(We) perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement to deny the right to vote to a person with a sixth grade education in Puerto Rican schools . . . constituted an invidious discrimination in violation of the equal protection clause". (supra, p. 656).

Accepting the conclusion that the provision was aimed at the elimination of an invidious discrimination, the Court declared that a statute would be valid if the Court is able to perceive a basis for the judgment of Congress that the state activity in question constitutes an invidious discrimination. The result is to leave to Congress the power under Section 5 of Amendment 14 to make reasonable judgments in the definition of state activities proscribed by the equal protection clause (see, 55 California Law Review, p. 309). The decision constitutes a significant expansion of congressional enforcement powers, even to the extent pointed out by Justice Harlan in dissent that Congress can invalidate state legislation on the ground that it denies equal protection where the Court might uphold or even has upheld the constitutionality of the same state statute (supra, p. 670).

The prior and subsequent decisions of the Supreme Court noted earlier in this report have disclosed various voting residence situations in which discrimination was found to exist, and two situations (*Pope* v. *Williams* supra, and *Drueding* v. *Devlin*, supra) where no violation of the equal protection clause was cited. *Pope* v. *Williams*, supra, would have no effect on congressional legislation such as section 2(c) of H.R. 4249 because it dealt solely with residency requirements to vote for Congressmen. The Supreme Court's affirmance in *Drueding* v. *Devlin*, supra, would not prevent congressional action under the thesis of *Katzenbach* v. *Morgan*, supra, since by that determination Congress may legislate pursuant to section 5 of Amendment Fourteen even when the courts have held a state law not violative of the equal protection clause as well as when the courts have taken no position at all on the statute.

The decisions in *Carrington* v. *Rash*, supra, *Kramer* v. *Union Free School District*, supra, and *Cipriano* v. *City of Houma*, supra, which prohibit a state from "fencing out", by residency requirements otherwise qualified persons from voting locally, raise questions about the validity of keeping "interested" persons from voting, and prohibit a state from denying the right to vote because of extra administrative burdens that might be imposed thereby on a state, all contain principles that support the contention that state laws which discriminate against newly arrived residents by prohibiting them from voting in presidential elections could well be in violation of the equal protection of laws clause. They are not essential to the constitutionality of Section 2(c) of H.R. 4249 but they would add support to a congressional finding that section 2(c) implemented the right to vote.

In summary, decisions by the Supreme Court support the contention that Congress may, pursuant to its authority under Section 5 of Amendment Fourteen, legislate to enable new residents of states with bona fide intentions of becoming permanent residents thereof, to vote, not in elections involving local matters but in the election of the President and Vice President. Assuming that all voters constitute one group or class to vote for the President and Vice President, Congress may legislate to prevent states, through the imposition of undue residency requirements, from discriminating against otherwise qualified persons within that class, i.e., new residents. The same principle would be applicable as respects restrictions on the right to vote for President and Vice President applied to persons who move from one political subdivision within a state to another.

The only interest that a state would have in such situations would be identification of new resident voters to prevent fraud. This could be accomplished by registration and by absentee voting machinery, the procedures for which would not unduly burden the states.

ROBERT L. TIENKEN,
Legislative Attorney.

The amendment (No. 503), intended to be proposed by Mr. GOLDWATER (for himself, Mr. BAKER, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HATFIELD, Mr. HOLLINGS, Mr. METCALF, Mr. MOSS, Mr. MURPHY, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, Mr. WILLIAMS of Delaware, and Mr. YARBOROUGH), was referred to the Committee on the Judiciary, as follows:

AMENDMENT No. 503

On page 2, beginning at line 5, strike out all through line 10, on page 3, and insert in lieu thereof the following:

(b)(1) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in Presidential elections—

(A) denies or abridges the inherent Constitutional right of citizens to vote for their President and Vice President;

(B) denies or abridges the inherent Constitutional right of citizens to enjoy their free movement across State lines;

(C) denies or abridges the privileges and immunities guaranteed to the citizens of each State under Article IV, section 2, clause 1 of the Constitution;

(D) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(E) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the Fourteenth Amendment; and

(F) does not bear a reasonable relationship to any compelling State interest in the conduct of Presidential elections.

(2) Upon the basis of these findings, Congress declares that in order to secure and protect the above stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the Fourteenth Amendment, it is necessary (A) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (B) to establish nation-wide, uniform standards relative to absentee registration and absentee balloting in Presidential elections.

(3) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(4) For the purposes of this subsection, each State shall provide by law for the registration or other means of qualification of all qualified residents of such State who apply, not later than thirty days immediately prior to any Presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(5) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election (A) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (B) absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(6) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(7) Nothing in this subsection shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(8) The term "State" as used in this subsection includes each of the several States and the District of Columbia.

(9) In the exercise of the powers of the Congress under the Necessary and Proper Clause of the Constitution and under section 5 of the Fourteenth Amendment, the Attorney General is authorized and directed to institute in the name of the United States such actions, against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection.

(10) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(11) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this subsection.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 504

Mr. BROOKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 514) to extend the programs of assistance for elementary and secondary education, and for other purposes; which was ordered to lie on the table and to be printed.

AUTHORIZATION OF AN ADEQUATE FORCE FOR THE PROTECTION OF THE EXECUTIVE MANSION AND FOREIGN EMBASSIES—AMENDMENTS

AMENDMENT NO. 505

Mr. YOUNG of Ohio submitted amendments, intended to be proposed by him, to the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes, which were referred to the Committee on Public Works and ordered to be printed.

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENT

AMENDMENT NO. 506

Mr. SAXBE. Mr. President, yesterday the Senate Finance Committee concluded hearings on H.R. 14705, a bill that would extend and greatly improve the Federal-State unemployment compensation program.

One part of the new bill is particularly inequitable to the employers of the State of Ohio and other States requiring a minimum duration benefit period of 20 weeks or more. The amendment which I submit is directed at that inequity.

There is little or no uniformity among the States as to the minimum duration in which benefits may be paid. The extent of the variation in State laws in this regard is well reflected in the chart which I shall enter into the RECORD after this statement. The chart was taken from hearings before the House Ways and Means Committee on H.R. 12625, the original law in which H.R. 14705 was evolved.

For example in Illinois and Indiana the minimum duration can be as low as 10 to 12 weeks. In Michigan it is 10 weeks and Texas only 9 weeks.

It is my firm conviction that until there are reasonable standards of the minimum duration throughout the States, any form of Federal extension only compounds a grossly inequitable situation. The State of Ohio must first tax Ohio employers by establishing whatever rate necessary to provide funds to pay the benefits for no less than a 20-week minimum duration. At the same time the Ohio employers will be taxed along with those of other States to provide for the Federal extended benefits. The ultimate result of this is that Ohio will pay the full bill for 20 weeks' duration provided under the Ohio law, and then pay a share of the cost of the benefits being paid under the extender to unemployed workers in other States, even though in these States the combined duration of the regular State minimum plus the Federal extender will not provide as much as the 20-week Ohio minimum. In other words Ohio employers will be taxed to subsidize a grossly inadequate program in many States; an inadequacy that defeats the sociological and economic objectives of Federal extension of unemployment compensation benefits.

My amendment seeks to correct this inequality by providing that States having less than a 20-week minimum duration must either amend their laws to provide for this time period or allow recipients of unemployed benefits to go without compensation during the period between their minimum duration and 20 weeks.

I ask that the chart accompanying my amendment be printed in the RECORD and this amendment be printed and referred to the committee.

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

The amendment (No. 506) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 506

On page 35, between lines 4 and 5, insert the following:

SPECIAL RULE

(c) If the minimum duration of regular compensation benefits provided under the State law of any State is less than 20 weeks, payment of, and determination of eligibility for, extended compensation shall, in the case of any individual, be made under such State law as if the minimum duration of regular compensation provided by such State law were 20 weeks; and any individual claiming payment of extended unemployment compensation under such State law for any week for which he actually was not entitled to regular compensation benefits thereunder but would have been entitled to such benefits thereunder if such State law had provided a minimum duration of regular compensation benefits of 20 weeks.

The chart, presented by Mr. SAXBE, is as follows:

MINIMUM AND MAXIMUM POTENTIAL DURATIONS UNDER REGULAR STATE UNEMPLOYMENT INSURANCE PROGRAMS AND FEDERAL EXTENDED BENEFIT PROGRAM OF H.R. 12625 DURING TRIGGER PERIODS

State	Weeks of total unemployment regular duration		Weeks of total unemployment Federal extended benefit program		Weeks of total unemployment combined regular and extended	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Alabama	13	26	6.5	13	19.5	39
Alaska	14	[2]28	7	13	21	39
Arizona	12+	26	6+	13	18+	39
Arkansas	10	26	5	13	15	39
California [1]	12-14+	26	6-7+	13	18-21+	39
Colorado	10	26	5	13	15	39
Connecticut [1]	22+	26	11+	13	33+	39
Delaware	14+	26	7+	13	21+	39
District of Columbia	17+	[2]34	8+	13	25+	39
Florida	10	26	5	13	15	39
Georgia	9	26	4.5	13	13.5	39
Hawaii [1]	26	26	13	13	39	39
Idaho [1]	10	26	5	13	15	39
Illinois [1]	10-26	26	5-13	13	15-39	39
Indiana	12+	26	6+	13	18+	39
Iowa	11+	26	5+	13	16+	39
Kansas	10	26	5	13	15	39
Kentucky	15	26	7.5	13	22.5	39
Louisiana	12	[2]28	6	13	18	39
Maine	12½-30 [3]	26	6¼-13	13	18¾-39	39
Maryland	26	26	13	13	39	39
Massachusetts	9+-27 [3]	[2]30	4.5+-13	13	13.5+	39
Michigan	10+	26	5+	13	15+	39
Minnesota	12	26	6	13	18	39
Mississippi	12	26	6	13	18	39
Missouri	10+-26	26	5+-13	13	15+-39	39
Montana	13	26	6.5	13	19.5	39
Nebraska	11	26	5.5	13	16.5	39
Nevada	11	26	5.5	13	16.5	39
New Hampshire	26	26	13	13	39	39
New Jersey	12+	26	6+	13	18+	39
New Mexico	18	[2]30	9	13	27	39
New York	26	26	13	13	39	39
North Carolina [1]	26	26	13	13	39	39
North Dakota	18	26	9	13	27	39
Ohio	20	26	10	13	30	39
Oklahoma	16+	[2]39	8+	13	24+	39
Oregon	11+	26	5.5+	13	16.5+	39
Pennsylvania [1]	18	[2]30	9	13	27	39
Puerto Rico	12	12	6	6	18	18
Rhode Island	12	26	6	13	18	39
South Carolina	10	26	5	13	15	39
South Dakota	16	26	8	13	24	39
Tennessee	12	26	6	13	18	39
Texas	9	26	4.5	13	13.5	39
Utah	10-22	[2]36	5-11	13	15-33	39
Vermont [1]	26	26	13	13	39	39
Virginia	12	26	6	13	18	39
Washington	15+	[2]30	7.5+	13	22.5+	39
West Virginia	26	26	13	13	39	39
Wisconsin	14+	[2]34	7+	13	21+	39
Wyoming	11-24	26	5.5-12	13	16.5-36	39

[1] States providing State "trigger-type" extended benefits. All State "trigger-type" programs have provisions which would render programs inoperative or suspend payments during periods when Federal trigger-type benefits are available.

[2] Weeks of "regular" State duration in these States which are in excess of 26 weeks of total unemployment and which are paid during national "trigger periods" would be reimbursed to States under provisions of H.R. 12625.

AMENDMENT NO. 507

Mr. FANNIN submitted an amendment, intended to be proposed by him, to House bill 14705, supra, which was referred to the Committee on Finance and ordered to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 19, 1970, he presented to the President of the United States the following enrolled bills:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

NOTICE OF HEARINGS ON S. 2898

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on S. 2898, a bill to establish within the Executive Office of the President a Council of Health Advisers.

The hearings will be Tuesday, February 24, 1970, and Friday, February 27, 1970, at 10 a.m. both days in room 3302 of the New Senate Office Building.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures has scheduled hearings for March 10 and 11 on the following bills:

S. 141, a bill to amend chapter 3 of title 18, U.S.C., to prohibit the importation to the United States of certain noxious aquatic plants—Senator HOLLAND;

S. 642, a bill to make it a Federal offense to assassinate or assault a Member of Congress or a Member-of-Congress-elect—Senator BYRD of West Virginia;

S. 2896, a bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes—Senator HRUSKA and Senator EASTLAND;

S. 2997, a bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes—Senators McCLELLAN, ALLOTT, and HRUSKA;

S. 3132, a bill to amend section 3731 of title 18, U.S.C., relating to appeals by the United States in criminal cases—Senator HRUSKA, by request;

S. 3133, a bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President—Senator HRUSKA, by request.

The hearings will begin each day at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Criminal Laws and Procedures, room 2204, New Senate Office Building.

SENATOR SYMINGTON OFFERS SOLUTIONS TO ENVIRONMENTAL CRISIS

Mr. MUSKIE. Mr. President, today there is much discussion regarding the declining condition of the environment. Perhaps one of the best statements that I have read on this timely topic in recent weeks was a speech given by my distinguished colleague, Senator STUART SYMINGTON, before the Amalgamated Clothing Workers in St. Louis.

Unlike many observers, Senator SYMINGTON does not merely describe the problem but offers some far-reaching solutions which attack the very heart of the environmental crisis. Most notably, he calls for a national program to disperse our population by creating new communities throughout the country. This, Senator SYMINGTON states, would reduce the intensity of our present concentrations and would "provide a more healthful environment for the additional 100 million Americans who will be added to our population by the end of the century."

With this preface, I ask unanimous consent that Senator SYMINGTON'S thoughtful speech be printed in the RECORD.

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

ENVIRONMENT: GROWING ISSUE

(Address by Senator STUART SYMINGTON)

Thank you all, very much, for the honor of being with you this evening.

Your great organization has one paramount goal—the security and happiness of people; and therefore I am especially pleased this evening to present a few thoughts on a matter that has so much to do with those two aims—the environment in which we all live.

During past months, anyone reading, watching or listening to the various news media has been deluged with a whole new vocabulary of words; words which, until recently, rarely left the classroom: ecology and environment, for example, have become household terms.

This is right and proper, because we now know that careless and unwise exploitation of our natural resources and surroundings has created a new type and character of struggle for survival. Refuse from our dynamic civilization fills the air and destroys our water. Oil slicks blacken our coasts. Noise from a growing number of sources pounds our ears. Various forms of waste litter our landscapes. Congestion almost immobilizes many of our metropolitan areas. The crime rates soar; and there is a growing restlessness among our people. Much of "America the Beautiful" is becoming "America the ONCE Beautiful."

Now what is meant by environment; and just what does it mean to us?

Environment is composed of composite social, physical, and cultural conditions which affect society as a whole as well as our individual lives.

Man can shape his environment; but he cannot prevent that environment from exerting strong influence on his health, his prosperity, and his behavior.

All across the United States, a steadily increasing number of the residents of our cities are being stricken with new "diseases of civilization," diseases which clearly can be traced to environmental causes and conditions.

Over 200 million tons of toxic matter is spewed annually into the air over this country. Such diseases follow as emphysema, and in some of our cities it is now recognized that this air pollution is now causing up to 20 deaths a day.

In California during air pollution alerts, parents are cautioned not to let their children play outdoors; and children are increasingly hospitalized with asthma and skin inflammation that results from dirty air. Lung cancer is twice as high in urban areas as in rural communities.

All this air pollution is mighty expensive. One Government study estimates such pollution costs every American $65 a year in terms of damage to homes, cars, clothing, and other personal belongings. In some cities, and St. Louis is one, the cost may well be much higher, from $200 to $500 annually.

Another disease of modern civilization is unrestricted noise.

Noise is measured in decibels; and over the past 25 years the noise level in this country has been increasing at a rate of one decibel per year. Soon this particular pollution is expected to reach the 85 decibel range, at which level sustained exposure can be very damaging. Already many million Americans suffer some degree of hearing impairment.

Traffic noise on many city streets currently exceeds 90 decibels; and jet aircraft, that constant source of irritation to so many urban dwellers, create a noise level of 130 decibels.

Studies are also conclusive in presenting that high levels of noise contribute to fatigue, increased blood preassure, and decreased work efficiency; in fact, noise promotes irritability and occasional mental distress to the point where it often culminates in violent and anti-social behavior.

Another growing pollution problem has to do with pesticides. This is especially true of the well known DDT.

Some 900 million pounds of pesticides are sold annually in the United States. They are used for literally hundreds of tasks, particularly pest control and crop protection.

DDT, unlike most other substances, does not break down chemically when consumed or absorbed; and therefore it builds up gradually in the systems of many living things, including human beings. Although small amounts of this pesticide are not toxic, as they accumulate they can create profound changes in cell metabolism. As a result, this particular substance has already done incalculable damage to fish and wildlife throughout the world. With respect to humans, it is now linked to cancer; and some reports suggest, if they do not actually state, that some pesticides are a genetic hazard capable of producing mutations.

Perhaps the most disturbing aspect of this problem is the wide-spread dissemination of pesticides throughout the world. Traces of DDT were discovered recently in the systems of Antarctic penguins, although those animals had never left their homes in the far south.

Scientists in distant countries have noted the steady growth of pesticide levels in products imported from the United States. Closer to home, last year we were warned that DDT residues on Lake Michigan had made unfit for human consumption tens of thousands of pounds of salmon caught in that great lake.

Turning now to a broader aspect of this enviromental problem, it is no secret that our inner cities have become dreary, bewildering wilderness—narrow canyons filled with mirky air, polluted water, and over-crowded streets. As a result of the post-war exodus to the suburbs, these hard core centers are now

unable to maintain such proper public services as mass transit, police protection, and sanitation; and the shrinking tax base incident to that exodus only adds to the problem.

Investigation of any sizeable city in this country confirms that rats, noise, malnutrition, garbage accumulation, and mass transit are always worst in the poverty areas.

Accepting these unfortunate facts and conditions, each citizen has the right to ask—what does it all mean? It means that life for far too many Americans in this the richest country in world history is little more than a dark corridor with a closed door at the end.

We now know that undesirable environment produces anti-social behavior. Crime, a form of pollution in itself, is increasing rapidly all over America; and fear has become a new face of the city. Last year serious crime rose over 17 percent.

As of right now, the odds are that before the end of this year two out of every hundred of us here tonight will become victims of a serious crime.

We could go on and on about the sad and damaging aspects of unsatisfactory and costly environments—the sharp rise in mental patients as well as in the suicide rate—products of these new civilization diseases.

With the premise, however, that one of the basic tenets of any concept of a "good society" is for every American man and woman to live in a healthy environment—whoever he is, wherever he is—your and my mission is to try to achieve that goal.

The basic problem behind environmental pollution is that of demand—demand for adequate goods and services, on an increasing scale, by a steadily increasing population. When we produce, we create pollution; and when we consume we leave the same.

In a word, the culprit is ourself.

Every 7½ seconds a new American is born. In his lifetime he will demand 26,000 tons of water, 21,000 gallons of gasoline, 10,150 pounds of meat, 28,000 pounds of milk and cream, 9,000 pounds of wheat, and truckloads of other foods. He will demand of his country $8000 worth of school building materials, $6000 worth of clothing, and $7000 worth of furniture, to name but a few.

We live in a nation with less than one fifteenth of the world's population; but we consume one half of all the world's production.

Consider that the solid wastes generated by this prodigious consumerism already amounts to 5.3 pounds per day for every man, woman, and child in America. How well we know the sad effect of such consumer residuals as cans, bottles, and derelict cars on many of the most beautiful parts of America.

The need for correction is clear, but the disposal of such waste represents one of the most difficult and expensive problems facing this nation today. Municipal handling of solid wastes already costs over $4.5 billion a year; a figure that is expected to triple in the next decade.

No one will deny that disposal must be accomplished; and if we do not act promptly to that end, our society could be brought up to its knees by the very waste it is creating.

So let us act, and act now.

One suggestion that is receiving additional attention, has to do with a national policy that would be programmed to disperse population; because today over 70 percent of all Americans are concentrated in urban and suburban communities which occupy less than one percent of the nation's land.

The creation, therefore, of new communities throughout this country which could reduce the intensity of our present concentrations should receive full consideration; and this especially in that it could provide also a more healthful environment for the additional 100 million Americans who will be added to our population by the end of the century.

I personally am also now convinced that, if we are to rescue our cities from strangling transportation congestion, the Federal Government must step up its efforts to develop effective new forms of mass transit. Our roads as well as our lanes are now being crowded to the point of saturation.

This latter action would also have a substantial favorable impact on our overall urban air pollution problem.

There should be other research programs. Few would deny that the Government should sponsor research designed to create new sound-proofing techniques and materials in effort to reduce the pollution of noise.

In addition, because the size and number of parks in our cities is declining, and since millions of trees die every year from the conditions which exist in our urban environment, we should create a multi-faceted urban forestry program, one that would not only provide technical assistance to cities in the management of trees and parks, but would also make available large tracts of landscaped open space—an Urban and Suburban National Parks Program.

Trees and parks provide a respite from the more harsh forms of the cityscape. As many psychologists agree, they contribute more to the mental health of city residents than almost any other factor.

Such a development would be especially valuable to the urban poor who are often only acquainted with broad expanses of green acreage, open space, and natural landscapes through their television screens.

As is the case with everything else in comparable fields, the prime requirement for proper environments is adequate money. Senator Gaylord Nelson, perhaps the leading Congressional expert in this field, estimates that it will take $275 billion over the next 30 years just to control the various natural forms of pollution. That amount does not take into consideration the cost of redeeming our cities. It is a lot, but it is perhaps pertinent to note that it would require less tax money than our defense budget for the past four years.

And so in closing, let us heed the many warnings growing around us of an impending environmental catastrophe. Let us take positive and forthright action, now, to reverse this trend; so that we may have an even richer and more fertile and more prosperous country through the reclaiming and preservation of our land, our wood and our waters. That in turn will guarantee an adequate heritage for the children of tomorrow.

THE RACHEL CARSON NATIONAL WILDLIFE REFUGE

Mrs. SMITH of Maine. Mr. President, on behalf of myself and my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the Legislature of the State of Maine commending the Secretary of the Interior and the Migratory Bird Conservation Commission on the establishment of the Rachel Carson National Wildlife Refuge.

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

RESOLUTION OF THE STATE OF MAINE, 1970

A joint resolution commending the Secretary of the Interior and Migratory Bird Conservation Commission for the Rachel Carson National Wildlife Refuge

Whereas, the mystery and true meaning of the sea stimulated Miss Rachel Carson's classics, *The Sea Around Us, The Edge of the Sea* and *Silent Spring*, giving the world a deeper understanding of dangers associated with the indiscriminate use of D.D.T. and other pesticides and the unfortunate manipulation of nature; and

Whereas, thirteen hundred and five acres of salt water marsh along forty miles of Maine coast from Kittery to Portland have been set aside and named the Rachel Carson National Wildlife Refuge in honor of the late conservationist-author; and

Whereas, this national refuge, established in 1966, will be expanded to include four thousand acres of protected marshlands which are vital to migratory birds of the Atlantic Flyway and as a source of food for many forms of sea life, including clams and lobster; now, therefore, be it

Resolved, That we the Members of the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Special Legislative Session assembled, commend the Honorable Walter J. Hickel, Secretary of the Interior, and the members of the Migratory Bird Conservation Commission for the important role they have played in establishing and designating the Rachel Carson National Wildlife Refuge; and be it further

Resolved, That a suitable copy of this Resolution be immediately transmitted by the Secretary of State to the Secretary of the Interior, the Migratory Bird Conservation Commission, and the Maine Congressional delegation.

LEON PANETTA

Mr. CRANSTON. Mr. President, it appears that there are fewer and fewer places in the administration for men who are deeply committed to the cause of civil rights.

This week, Leon Panetta, an extremely able advocate of justice for all Americans, was forced out of his job as Director of the Office for Civil Rights at HEW. Mr. Panetta was formerly legislative assistant to Senator Thomas Kuchel. Mr. Panetta and Mr. Kuchel are part of a committed, concerned branch of the Republican Party, a branch which was ably led in my State by Earl Warren and which apparently has little standing with the Nixon administration.

This morning, the Washington Post published an excellent editorial on Mr. Panetta and the administration's attack on civil rights. 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:

EXIT LEON PANETTA

It was the morning of the day on which Mr. Ziegler, speaking for the President in Key Biscayne, allowed as how the administration had a warm feeling in its heart for Senator Stennis's campaign to get the South off the hook so far as the dismantling of its dual school system was concerned. That of course is not the way Mr. Ziegler put it or the way that Senator Stennis describes his effort, but that is manifestly the purpose of the senator's legislative maneuvers with which the President (that day) expressed his profound philosophical agreement—via Mr. Ziegler.

One man who had no confusion in his mind as to what Senator Stennis was up to was Leon Panetta. But he had a great deal of difficulty in finding out what the administration he worked for was up to—in the simplest meaning of that phrase: Mr. Panetta spent part of that day checking with sources on the Hill to ascertain whether or not there was truth to the rumor that there was going to be a statement on the subject out of Key

Biscayne. That was how the Nixon administration had come to treat the man it had appointed to be Director of the Office for Civil Rights at HEW and who had thought he was speaking for that administration in his lobbying efforts against the Stennis proposals. Mr. Panetta got the word more or less when everybody else did. And just a few days later, he got another word: he was told to get out.

The ironies are rather stunning. In a law-and-order administration (so-called), the Attorney General goes into court to try to get legal sanction for continued violation of the law on the part of several Mississippi school districts; the Supreme Court responds with a sweeping order for the offending districts to "do it now"; the man (Mr. Panetta) who was trying to get such districts to go along in the first place, is fired. What compounds the irony is that without the Attorney General's ridiculous and ill-fated effort to get his clients a little more time (they had had 15 years) and without his astonishing failure to perceive the probable response of the court, there would have been no such sudden or sweeping order. The push-pull, piece-meal, bit-by-bit negotiation that Mr. Panetta and others were pursuing would surely have spared the South its present agony and had the virtue of according with law as well. But Mr. Panetta has become a scapegoat for the misjudgment of others in the administration—and he, not they, has paid the price.

Watch what we do—the Attorney General said a while back on the subject of civil rights—not what we say. We will concede that his directive has some merit: it is a whole lot easier to watch the administration's actions these days than it is to keep tabs on its whirlwind of issue-straddling, contradictory statements. So we have been watching what they do. They have lent their prestige to the effort to circumvent the Supreme Court's ruling that the state may not deliberately segregate children on the basis of their race, and they have fired Leon Panetta, because he wouldn't go along.

PRESIDENT NIXON'S WATER CLEANUP PROGRAM SOUND

Mr. GRIFFIN. Mr. President, the President has said that the task of cleaning up our environment calls for a total mobilization by all of us if we are to succeed in restoring the kind of environment we want for ourselves and that our future generations deserve to inherit.

While many aspects of returning to a clean environment will take years to achieve, today we have the technology and the resources to proceed on a program of swift cleanup of pollution from the most acutely damaging sources: municipal and industrial wastes.

Since the Clean Waters Restoration Act of 1966 was passed, Federal appropriations for constructing municipal treatment plants have totaled only about one-third of congressional authorizations. Because of the congestion of municipal bond markets, some municipalities have experienced difficulties in selling issues for waste treatment facilities.

If we are to make an effective assault on cleaning up our dirty waters, the Federal Government must provide a means by which those municipalities that cannot tap the municipal bond market on reasonable terms can finance their share of the cost.

The President's environmental message to this Congress estimates that it will take a total capital investment of about $10 billion over a 5-year period to provide the municipal waste treatment plants needed to meet our national water quality standards. This would provide every community that needs it with secondary waste treatment and also special additional treatment in areas of special needs.

The President has proposed a two-part program of Federal assistance: Clean Waters Act with $4 billion to be authorized immediately in fiscal year 1971 to cover the full Federal share of the total $10 billion cost on a matching fund basis. This would be allocated at $1 billion a years for the next 4 years, with a reassessment in 1973.

Creation of an Environmental Financing Authority, to insure that every municipality eligible for Federal grants has an opportunity to sell its waste treatment plant construction bonds.

If conditions of the bond market are such that a qualified municipality cannot sell a waste treatment plant construction issue on reasonable terms, EFA will buy it and will sell its own bonds on the taxable market. The difference between the rate which EFA must pay private investors and the rate it receives from local governments on their securities will be made up by the Treasury Department. However, the Government would be able to recoup most, if not all, of this differential through the taxes it will receive on interest on EFA bonds. Consequently, construction of pollution control facilities will not be delayed by a city's inability to raise funds in its own name, but will depend rather on its waste disposal needs as it should.

Mr. President, I am hopeful that both Houses of Congress will support this approach toward assuring adequate financing of sewage treatment facilities.

THE AMERICAN ROLE IN LAOS CONTRADICTS NIXON DOCTRINE

Mr. CHURCH. Mr. President, fighting has resumed on the Plain of Jars in Laos.

According to recent press reports, that means that U.S. involvement has also increased. This involvement includes—and I emphasize that I am only quoting published accounts in reputable newspapers—first, the evacuation of 18,000 peasants from the Plain by truck and aircraft; second, stepped up U.S. bombing raids from bases in Thailand and South Vietnam and from the 7th Fleet afloat in the China Sea; third, stepped up combat operations by Laotian General Vang Pao who, according to newspaper reports, leads a collection of Meo tribesmen supplied by the CIA.

What is the legal authority for these operations?

Where, in the admittedly broad legislative authority for the CIA, is it contemplated that that Agency may conduct a full-blown war?

Under what authority are U.S. Air Force and U.S. Navy planes, flown by American pilots, bombing the Plain of Jars which is hundreds of miles from the Ho Chi Minh Trail and has nothing to do with the war in Vietnam?

There is a statutory basis for our support of local forces in Laos and Thailand, but nowhere do I find authority for American personnel to engage in combat operations.

Indeed, not the least of the paradoxes of this curious war in Laos is that not only is there no legal basis for it, there is affirmative legal prohibition against it.

Not in Laos can the solemn obligations of the SEATO Treaty be put forth as a legal underpinning for an American war.

On the contrary, the Government of Laos has itself renounced any claim to SEATO protection. Further, in the Declaration of the Neutrality of Laos in July 1962, the United States and the other powers principally involved, said that they would "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

Beyond this, the United States and the other powers agreed, in the protocol to this declaration, that "the introduction of foreign regular and irregular troops, foreign paramilitary formations and foreign military personnel into Laos is prohibited."

What sense does it make to say that the North Vietnamese violated the protocol first and that we will not admit our violations if they do not admit theirs? How do you suppose this impresses the wives and parents of the 150 American airmen estimated by the Pentagon to be missing, captured, or dead?

Finally, how does all of this square with the Nixon doctrine, which calls for a reduced role for U.S. forces in Asia consistent with the keeping of our treaty commitments? In Laos, where the United States has no treaty commitments, we are enlarging our military role—or at least so we are told by the press.

It is time the American people heard the truth—and the whole truth—from their Government.

It is time, too, that the executive branch upheld its end of the Constitution of the United States, conferring directly with the Congress on matters of war and peace, instead of making concealed end-runs around the legislative process. It is the constitutional right of Congress to determine where and how public money is spent, which was the purpose of my amendment to last year's military appropriation bill, prohibiting the use of any U.S. money to introduce American ground combat troops into either Laos or Thailand.

Mr. President, I ask for unanimous consent to have printed in the RECORD at this point several recent news stories commenting on our involvement in Laos.

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

[From the Washington Post, Feb. 15, 1970]

LAOS AIDE FEARS LOSS OF PLAIN SOON

Laos may have to abandon its strategic Plain of Jars to North Vietnamese forces "in a matter of a week" if the attackers keep up their pressure, a Laotian military spokesman said yesterday.

North Vietnamese troops have recently captured at least a dozen outposts controlling access to the plain from the northeast and the Xieng Khouang airfield was reported under new attack by six Hanoi battalions.

Laotian forces were said to be pulling back their heavy artillery and regrouping. A Defense Ministry spokesman said they would form resistance units rather than a thin, vulnerable line.

Informed sources in Saigon said U.S. fighter-bombers were flying combat support for the Laotians—a role the United States has not admitted.

But U.S. military advisers have urged the outnumbered Laotians to abandon the plain rather than attempt a costly defense.

The U.S. air support, he said, would "make it difficult for the enemy." But that support has been hampered by low clouds. Americans in Laos said the situation in the plain was grave and could worsen unless the weather soon clears.

UPI quoted informed U.S. sources in Saigon as saying the third phase of U.S. troop withdrawals from Vietnam would bring a reduction of some 13 per cent in the 300 to 400 sorties a day now flown by U.S. planes against the Ho Chi Minh trail through Laos.

Route 7, the march route of the North Vietnamese, continues westward to intersect Route 13, the north-south road between Vientiane and Luang Prabang. Toward the east, it cuts Route 4 running northward from Paksane and connecting Route 6 farther north to Samneua.

The Communist Pathet Lao held the plain from 1964 until last September, when government forces drove out the Pathet Lao and their North Vietnamese allies. A counterattack has been expected ever since.

In Vientiane yesterday, Laotian officials produced five North Vietnamese, captured on the plain, who said the Pathet Lao have not taken part in the fighting of the past few days.

Tiao Sisoumang Sisaleumsak, Laos' information minister, said North Vietnamese attacks on the plain Thursday and Friday had been repulsed and may not have signaled a larger offensive.

But the outposts captured by North Vietnamese forces included Nong Pet and Khang Khai, points on the road from their supply post at Banban, near North Vietnam's border, to the Plain of Jars.

Six North Vietnamese battalions were reported moving freely down this road—Route 7—from Banban.

In an effort to head off the confrontation Laotian Premier Prince Souvanna Phouma proposed last week the neutralization of the plain, in return for a pledge by Laos not to interfere with North Vietnam's use of the Ho Chi Minh trail.

North Vietnam, however, rejected the proposal, denying U.S. and Laotian claims that there are more than 50,000 Hanoi troops in Laos.

In anticipation of the onslaught, some 18,000 peasants have been evacuated from the plain by truck and by air.

[From the Manchester Guardian Weekly, Feb. 14, 1970]

CHECK ON LAOS BY CONGRESS

(By Richard Scott)

Sooner or later, the Administration is likely to have to come clean on what it is doing in Laos. The bitter experience of Vietnam and the heavy smoke screen which the Administration has thrown over its activities in Laos are making Congressmen increasingly nervous and anxious. They are determined not to allow the nation to be caught up in another burgeoning war in Southeast Asia without ever consciously approving such action or being aware just what it signifies.

But even if the Administration keeps silent concerning Laos, Congress has now learned enough to cause it anxiety. Several months ago, Senator Symington's foreign relations subcommittee, which is investigating U.S. military commitments and facilities overseas, completed a study on Laos.

Its earlier report on the Philippines had caused distress in the State Department by stating that almost all the allied forces fighting at America's side in Vietnam were financed by the United States.

The State Department is now trying to censor from the subcommittee's Laos report all comparably embarrassing disclosures. The department's first sanitised version was rejected by the subcommittee. For weeks the Department has been wrestling with itself about how much more it is prepared to allow to be disclosed.

Meanwhile, Congress has already acted to limit the extent of American assistance to the Government of Laos in its struggle against the Communist Pathet Lao and North Vietnamese. Last year it placed a $2,500 millions ceiling on the military and the US could provide to Laos and Thailand, and specifically banned the use of American ground combat troops in either country.

The Pentagon is now seeking to have these limitations omitted from the military procurement legislation for the current year. But Congressmen know, even if the Administration refuses to confirm it, that American military advisers are already in the field with Laotian military units.

And that is precisely how the Vietnam involvement began. There were about 1,600 US military advisers in Vietnam one day and then, without any specific Congressional approval, and almost overnight, there were American combat units. That was in March 1965, and they numbered 3,500 men. But it was not until July that year, when President Johnson asked that the 70,000 American troops that were already in Vietnam should be increased to 120,000 that the American public realized that it was involved in a serious fighting war.

Congress is not likely to let this happen again in Laos or anywhere else. And it may be that its mounting insistence on its right to know what is happening and what is contemplated in Laos, before it is to late, will have to be heeded by Mr. Nixon.

[From the Washington Post, Feb. 17, 1970]

RED TARGETS IN LAOS POUNDED IN HEAVY U.S. AIR ATTACKS

SAIGON.—American fighter-bombers flew more than 400 sorties against North Vietnamese troops, trucks and supply lines in eastern Laos Sunday in some of the heaviest air raids ever flown in Southeast Asia.

Saigon sources said some of the raids were in support of Laotian government forces on the Plain of Jars, which is under North Vietnamese attack, and others were against the Ho Chi Minh trail that moves North Vietnamese troops and supplies into South Vietnam.

One propeller-driven A–IE Skyraider was shot down over the Plain of Jars and the American pilot was presumed killed, sources in Vientiane said.

The Saigon sources said the planes came from two 7th Fleet carriers in the Tonkin Gulf and half a dozen bases in Thailand and South Vietnam. Most were F–4 Phantom and F–105 Thunderchief fighter-bombers, which carry 10,000 to 15,000 pounds of bombs.

The Strategic Air Command's B–52 bombers, which carry four to six times that bomb load, also pounded North Vietnamese supply depots in eastern Laos. Several B–52 missions were reported along the border.

Reuters reported from Vientiane, Laos:

Laotian government forces, under increasing pressure from North Vietnamese troops, now control only two positions of importance on the Plain of Jars and are expected to withdraw completely very soon, military sources said here Monday.

Xieng Khouang and the nearby airfield are still in government hands despite continuing heavy rocket and mortar attacks from the North Vietnamese, whose 15,000 regular troops on the plain outnumber the government side more than two to one.

The sources said that a government attempt to retake Phou Thung, about six miles southeast of Xieng Khouang, failed Monday.

MOSS HINTS PENTAGON BACKS CENSORSHIP

SAIGON.—Rep. John E. Moss (D-Calif.) said Monday his probe of censorship of armed forces broadcasts in Vietnam indicated a possible pattern of news management emanating from the Pentagon or high military authority in Vietnam.

The censorship "could emanate from the highest sources in Washington," Moss said. He plans further hearings in Washington and said Pentagon officials responsible for public affairs policy would be called to testify.

Moss said he was "distressed" by testimony from five enlisted men involved in charges of news management against U.S. military officials supervising news broadcasts over armed forces radio and television outlets in Vietnam.

[From the Christian Science Monitor, Feb. 14–16, 1970]

WHAT U.S. BOMBS ARE DOING IN LAOS—WASHINGTON TALKS PRIVATELY OF BIG GAINS

(By George W. Ashworth)

WASHINGTON.—Sharply increased American bombing of Laos over the past year is credited with substantially improving the Lao Government's military position. Now officials here believe these advances may open the way for understandings that could lessen the burden of war.

When bombing of North Vietnam was stopped in November, 1968, the American bombing campaign was switched almost intact into Laos. According to officials here the main purpose was to stymie Communist infiltration along the Ho Chi Minh Trail. But what was not needed along the trail was used in support of the Royal Lao Government's endeavors against the Pathet Lao.

The results were astonishing, and the United States bombing helped much to disturb the uneasy balance that has existed in Lao battlefields over the years.

Gen. Vang Pao's success in taking the strategically important Plain of Jars last summer with his 10,000 Meo guerrillas is attributed in large part to the American air campaign in his support.

U.S. FLIERS INVOLVED

At present, an estimated 90 percent of the Lao Government's air strikes are flown by Americans. Strikes are flown both from Thailand and from aircraft carriers operating on Yankee Station off the Vietnamese coast against targets along the Ho Chi Minh Trail and in northern Laos. B–52's are used only against the Ho Chi Minh Trail.

The Americans do not admit their massive air involvement in Laos, nor are they free with information as to the extent of the advisory effort and of aid to the financially pressed Lao Government. Some estimates have placed United States aid so far in the order of hundreds of millions of dollars.

Similarly, the North Vietnamese will not admit that they are deeply involved in Laos. At present there are an estimated 50,000 North Vietnamese regulars bolstering the Pathet Lao forces. Additional thousands are engaged in guarding and servicing the Ho Chi Minh Trail.

RESPONSIBILITY DEBATED

The U.S. maintains that the North Vietnamese violated the 1962 Geneva accords first. Thus officials display no particular guilt about present U.S. violations of the illusory and theoretical Lao neutrality which those accords were supposed to guarantee.

But it is no secret that the U.S. would be delighted if it were no longer involved in Laos militarily, for that would save lives, as

well as vast sums of money. Estimates of American planes lost in the fighting in Laos are at best uncertain, but many observers suspect losses to be at least 100, possibly more.

The North Vietnamese steadfastly refuse to accept any responsibility whatsoever for the lost American pilots, and the U.S. is in a poor bargaining position in that it will not admit they were there in the first place and thus cannot theoretically seek their release.

There is little doubt here that if Laos were to lose United States aid, the government would collapse almost immediately, leaving the country in Communist hands.

Similarly, the Pathet Lao would undoubtedly fall apart without heavy North Vietnamese bolstering. It is significant that current fighting over the Plain of Jars is being handled largely by the North Vietnamese.

Thus, over the years, the situation in Laos has deteriorated to one in which North Vietnamese ground forces are needed to balance American-subsidized governmental forces and heavy American air involvement.

It is a measure of the effectiveness of this air campaign since bombing of North Vietnam was halted that the retreat of enemy forces from the Plain of Jars last summer was so precipitate that large weapons and supply caches were left behind.

There is little doubt that the North Vietnamese will regain the Plain of Jars, and there is no great concern shown here over that certainty. General Vang Pao is expected to fall back gracefully and gradually, exacting as heavy a toll as possible upon North Vietnamese forces.

Sources here believe that the current fighting may provide a key to some sort of understandings. It may be possible to reach agreements in which the Plain is theoretically neutral but in fact held by the Communists.

From that point the war might fall back into the old pattern of small losses and small gains, a sort of war in which nothing unacceptable happens to either side.

Lao Premier Souvanna Phouma publicly offered to negotiate with Hanoi for an end to the conflict. Prince Souvanna said he was agreeable to neutralization of the plain and to the cessation of U.S. air bombardment. Further, the Prince indicated his government would be satisfied to let the North Vietnamese and Americans fight over the Ho Chi Minh Trail without any interference from the Lao Government.

CONCERN MOUNTS

Sources here hope that the North Vietnamese are genuinely tired of fighting in support of the Pathet Lao and may be willing to get down to discussions that could lower both North Vietnamese and American involvement. The Americans, of course, beset by money worries and concern in Congress over the situation in Laos, would be delighted.

North Vietnamese were fast to publicly reject Prince Souvanna's offer, but they have yet to offer a private official response. As one source put it, the level of violence could be tapered, they could and probably would withdraw to North Vietnam.

There have been some suggestions that B–52's might be used to strike a decisive blow for the allied side, but officials here view that idea with some horror, steadfastly preferring to avoid any further American escalations that could lead to a reciprocal North Vietnamese buildup.

A further complication is the road the Chinese Communists have built into Laos from Yunnan Province. Branches head toward Dien Bien Phu and toward the Mekong River. The Thais, wary that the road could be used to further insurgencies against them, have sought action. But Americans, unwilling to antagonize China and unsure of the strategic significance of the road, have demurred.

The construction of the road could not be stopped, unless by massive bombing, which is out of the question, sources here say. Blocking the road could be impossible. Consequently, the most likely prospect is harassment by guerrilla forces.

[From the Washington Evening Star, Feb. 18, 1970]

U.S. HALTS B52 RAIDS IN VIETNAM TO BOMB LAOS

SAIGON.—The United States suspended B52 bombing raids in Vietnam yesterday and today and sent the Stratoforts instead into Laos in an attempt to crush the Communist offensive on the Plain of Jars.

The U.S. war communiques listed no B52 raids in Vietnam since early yesterday, a suspension that has reached 36 hours.

Military sources said Stratoforts based in Thailand and on Guam had their Vietnam missions canceled and instead were flying emergency strikes into Laos in an attempt to stall the Pathet Lao and North Vietnamese advance.

The Stratoforts and a fleet of 400 fighter-bombers have been flying daily missions into Laos for months but the new emergency strikes, requiring all the Stratoforts available, underscored the urgency of the situation in Laos.

Military sources in Saigon said the B52s have been flying as many as 10 missions a day in Laos, hitting both the Ho Chi Minh Trail and the estimated 20,000 guerrilla troops on the Plain of Jars.

One B52 mission involves between 5 and 12 planes, each capable of carrying 30 tons of bombs.

The suspension of the Stratoforts' Vietnam bombing campaign was the longest since the B52s joined the war effort almost six years ago, except for pauses for allied truces and the two-day suspension after Ho Chi Minh's death in September.

There was no indication that halting the B52 raids in Vietnam yesterday and today had anything to do with peace proposals.

The Associated Press reported that a U.S. helicopter on a resupply mission was shot down north of Saigon today and seven of the nine persons aboard were killed. Two more Americans were reported wounded by enemy fire during an attempt to reach the helicopter on the ground.

In other developments, military spokesmen said South Vietnamese artillerymen accidentally shelled the U.S. Air Base at Bien Hoa, outside Saigon, during the night, killing three Americans and wounding 20.

Two 105mm shells hit the base, said to be the busiest airfield in the world, at 10 p.m. yesterday and four landed at 2 a.m. Two small barracks were destroyed and a third was heavily damaged. Most of the casualties were inside sleeping.

An investigation has been begun, spokesmen said.

On the war front, allied forces reported killing 157 Viet Cong and North Vietnamese in three large-scale engagements yesterday, two in the Mekong Delta and one near the Cambodian border northeast of Saigon.

U.S. 1st Air Cavalry Division helicopter gunship crews responding to ground fire reported killing 45 guerrillas five miles from the Cambodian border. There were no U.S. casualties.

In the Mekong Delta South Vietnamese troops killed 74 guerrillas and military sources said the Saigon government units lost two men killed and five wounded.

[From the Washington Evening Star, Feb. 18, 1970]

LAOS FORCES KILL 36, DESTROY 3 HANOI TANKS

(By Tammy Arbuckle)

VIENTIANE.—North Vietnamese forces, spearheaded by tanks, launched new attacks on the airstrip headquarters of Lao government Gen. Van Pao on the Plain of Jars this morning, but they were beaten back.

Thirty-six North Vietnamese were killed and three tanks were destroyed, according to military sources here.

Hanoi's infantry stormed the airfield perimeter in a dense fog, and four tanks penetrated the field's defenses.

3 TANKS DESTROYED

Three of the tanks fell into newly dug anti-tank ditches around the airstrip and were destroyed by point-blank cannon fire.

Government casualties were described as light though neither U.S. or Lao airpower were able to intervene because of the bad weather.

(Reports out of Saigon indicated, however, that American B52s were bombing elsewhere in Laos in an attempt to curb the drive by the North Vietnamese and Communist Pathet Lao).

Air gunships, however, illuminated the battle with flares.

The action was the fourth Hanoi attempt to take the airstrip, one of the few remaining positions in Lao government hands after Hanoi captured most of the Plain of Jars in a series of attacks since Thursday.

CIA POST ATTACKED

In an attack last night, a 10-man North Vietnamese sapper team firing automatic weapons and using satchel charges briefly overran Long Chien, the U.S. and Lao government headquarters south of the plain run by the U.S. Central Intelligence Agency.

One American Air Force plane, an O1E used for reconnaissance purposes was broken in half by a satchel charge and one Meo tribesmen sentry was killed.

Three North Vietnams, two of them dressed in Lao government uniforms, also were killed.

U.S. Air Force Skyraiders, said to be based at Long Chien at Muong Soui on the northwest part of the plain, have been bombing the plain daily.

At least one Skyraider has been downed and a U.S. pilot killed, informed sources said.

THE POLICY OF INTEGRATION

Mr. CASE. Mr. President, Mr. Tom Wicker, in this morning's New York Times, calls the Senate's approval of the Stennis amendment a sellout of the policy of racial integration.

While I do not believe that all is lost, I do believe Mr. Wicker has made some points which every Member of the Senate should consider. I ask unanimous consent that this article be printed in the RECORD at this point.

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

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, February 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middle-class jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation; despite the empty rhetoric of the Nixon Administration about "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt, a moral debt that was soon found to be beyond the country's capacity to pay, given the underdeveloped state of its moral resources at the time." For eighty years thereafter, Mr. Woodward pointed out, the nation simply defaulted, until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

That is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once against, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

HEALTH COSTS AND THE FUTURE OF MEDICARE AND MEDICAID

Mr. WILLIAMS of New Jersey. Mr. President, the Special Committee on Aging has had a longstanding interest in the health of older Americans and in the programs of medicare and medicaid which are doing so much to relieve older people of the crushing burden of health care costs. A matter of major concern to the committee, and to me as its chairman, is the steady and rapid increase in health costs that has been taking place in recent years. These increases hit the elderly especially hard, notwithstanding the existence of medicare. That program covers less than half the health care expenses of the elderly, who must meet the cost of noncovered services, plus the medicare premiums, deductibles and coinsurance amounts from incomes typically much smaller than those of younger people.

I, therefore, note with considerable interest the recently submitted report on medicare and medicaid by the staff of the Committee on Finance. Perhaps the crucial issue highlighted by that report is the serious impact that rising health costs have on programs such as medicare and medicaid.

The Committee on Aging has previously studied the serious impact of rising health costs on older Americans and came to the following conclusion:

Rising medical care costs are causing demands for Medicare revisions, such as: elimination of co-insurance and deductibles; at least partial coverage of non-hospital prescriptions; financing of Part B through the payroll tax spread over the rising earnings of workers rather than through monthly premiums paid by the aged; and imposition of tighter cost controls.

Such demands should be considered in comprehensive congressional and administrative reviews of Medicare intended to make that historic program an even more valuable component of a concerned society.

I want to reaffirm today this conclusion—both as to the great value of the medicare program and as to the need to assure, through appropriate modifications in it, that rising health costs do not rob older Americans of the financial security medicare was intended to help provide.

In particular, I believe it would be a shame to respond to the problem of escalation in doctor's fees by cutting back the medicare protection of the elderly, as has been suggested. I oppose any such procrustean solution. Nor can I see how limiting medicare payments to Blue Shield schedules, even where these are far below what physicians customarily charge, would solve anything. It would simply throw the burden of rising health costs directly upon the older American.

The real problem, it seems to me, is not one that will be solved by any narrow-minded cost-cutting approaches or by tighter administration of medicare and medicaid alone. Rather, we should turn our attention to the basic problems in the health care system and the deficiencies in the delivery of health services. The Special Committee on Aging's Subcommittee on Health of the Elderly has heard extensive testimony about the serious problems in the modes of delivering health care and in the organization of our health care system—increasingly referred to these days as a nonsystem.

I hope that the staff report to the Committee on Finance will stimulate serious consideration of the real problems in the health care system and in medicare and medicaid. What is required is that we thoughtfully consider real problems and attempt real solutions, so that medicare and medicaid will continue to enhance the well-being of older Americans.

ENVIRONMENTAL WARFARE IN VIETNAM

Mr. NELSON. Mr. President, last November Mr. Nixon proposed a halt of all biological warfare research and stockpiling efforts in the United States. He foreswore the first use of chemical weapons and indicated he would submit the Geneva Protocol to the Senate. These were commendable actions that showed to the world a sincere desire to limit the variety of weapons of mass destruction. At the same time it was announced that the "no first-use policy" did not apply to tear gases, defoliants, and herbicides. Also, toxins, a highly lethal chemical derivative of biological agents, were considered a chemical-warfare weapon and would still be produced and used.

On February 14 the White House included toxins in the total biological ban. This is another positive step toward disarmament. Government sources said then that "for the time being" the first use of tear gases, defoliants, and herbicides was still not prohibited by the Geneva Protocol.

An article entitled "What Have We Done to Vietnam?" discusses the fantastic amount of destruction inflicted to that country through the conduct of large-scale environmental warfare. Since 1962, over 100 million pounds of chemical herbicides have been sprayed over more than 4 million acres—an area equivalent to about 10 percent of the total country and equal in size to the State of Massachusetts.

The four primary sprays used—2,4–D; 2,4,5–T; cacodylic acid; and picloram are either potential or proven agents with harmful side effects. The herbicide 2,4,5–T was shown, in data released last year, to possess teratogenic qualities, that it, producing fetal deformities. Shortly thereafter, the President's science adviser announced that the Department of Agriculture would cancel registrations for use on food crops by January unless the Food and Drug Administration would establish a safe tolerance level in and on foods.

On February 6, the Department of Agriculture announced that the original 2,4,5–T used on the test animals was contaminated and further testing with a purer batch of the chemical had shown no adverse effects. Shortly thereafter the President's science adviser revealed in a letter that the Department of Agricul-

ture had the authority all the while to decide on the use of 2,4,5–T. On February 16, the distinguished Senator from Michigan (Senator HART) announced hearings would be held to probe into the many questions recently raised by the use of this chemical.

All of this is a preface to the possible and known impact of the indiscriminate use of herbicides in Vietnam. The United States is conducting a form of warfare that is irreversibly upsetting the ecologic balance in Vietnam, with no proof of military effectiveness. The burden of proof has been placed on those that question such highly provocative methods of fighting a war. The burden must be shifted because America has set a dangerous precedent that will not readily be forgotten by other nations of the world.

If, as many maintain, environmental warfare is not covered by the Geneva protocol, then that does not for one minute sanction the continuation of such a dangerous policy. This is an issue that deserves the most careful scrutiny by the Congress in the context of an open debate. There is much serious discussion about the quality of the environment and the quality of life in this country. There is deep concern about the high concentrations of DDT and other persistent pesticides that build up in the bodies of animals, including man. There has been significant action to control, reduce, and eliminate the harmful ecologic and health effects caused by pollution of the environment.

I cannot see the necessity of using an indiscriminate substance sprayed from C–123's when decades from now the environmental imprint of the United States will still be noticeable in Vietnam. Risking the lives of civilians and unborn babies and changing the biological complexion of the country through the use of potentially dangerous herbicides verges on sheer madness.

The Vietnam conflict has not been a military war in the traditional sense. It has been a highly political and nonconventional war. That does not, however, give us license to use any weapon that science provides. The decision must be made to stop waging environmental warfare when its benefits are dubious and the detriments are patently obvious.

Mr. President, I ask unanimous consent that the article on environmental warfare in Vietnam be printed in the RECORD at this point.

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

WHAT HAVE WE DONE TO VIETNAM?

(By Robert E. Cook, William Haseltine, and Arthur W. Galston)

President Nixon has proposed to call a halt to all biological warfare research and stockpiling operations in the United States, and to submit the Geneva Protocol to Congress for ratification. While these are commendable moves, the government is excluding from his ban the use of defoliants, herbicides, and anti-personnel gases in Vietnam. That is tragic, for these weapons respect neither the neutrality of the fertile farms nor the innocence of undefended civilians. The destruction in Vietnam is heightened because Allied forces, for the first time since World War I, have employed massive quantities of chemicals against the enemy: villages have been leveled with napalm; caves and bunkers have been saturated with tear gas to drive protected soldiers into open fire; crops have been destroyed and jungles defoliated to deny the enemy food and cover. It is the civilians who bear the major burden of this assault. Since there are no concrete enemy strongholds or fixed battlelines, battles arise whenever contact is made between US and South Vietnamese forces and the fluid enemy, whose primary tactic is mobility.

Since 1962 huge C–123 cargo planes, equipped with tanks and high pressure spray nozzles, have released more than 100 million pounds of chemical herbicides over more than 4 million acres, an area larger than the state of Massachusetts. This includes more than 500,000 acres of croplands growing rice, manioc, beans and other vegetables. To decrease the number of flights necessary over enemy fire, the chemicals are sprayed in concentrations up to ten times those recommended for use in the United States. This spreads nearly 30 pounds of herbicide over each acre of land.

The Air Force has been spraying four different chemical compounds in varying combinations colorfully known as agents Orange, Blue, and White. Orange consists of equal parts of 2,4-D and 2,4,5-T, general weed killers used extensively in the United States. Orange usually persists for only one or two weeks in ground water or soil, but its disappearance depends upon micro-organisms requiring specific conditions, including abundant oxygen. Thus, high concentrations could build up in stagnant water or poorly aerated ground. Agent Blue consists primarily of cacodylic acid which contains 54 percent arsenic. Its use against crops is forbidden in the United States, but it has been so used in Vietnam. Agent White is a blend of 2,4–D and picloram, the latter being an unusually persistent herbicide which is capable of killing vegetation and retarding regeneration for years.

These herbicides are a product of agricultural research done during the thirties and forties, when a number of hormone-like substances were identified in plants and brought to the attention of the Army for potential use in the control of plant cover and crop production. Research was undertaken at Fort Detrick, the home of chemical-biological warfare research, to develop the new compounds. After the war, direct toxicity levels for man and animals were investigated and determined to be low enough to make the chemicals acceptable for general use as weed killers. The US Department of Agriculture, the Federal Drug Administration, the National Institutes of Health, and the Fish and Wildlife Service all had a hand in sanctioning the widespread use of herbicides. By 1965, more than 120 million acres were being sprayed each year in the United States. Despite this wide usage, no studies had been conducted until very recently by any government agency on the possible carcinogenic, mutagenic, or teratogenic properties of herbicides, or on the ecological consequences of their use.

Many botanists and ecologists decried the ecological destruction which is an unavoidable consequence of the defoliation and crop denial program in Vietnam. They stressed repeatedly the extent of our ignorance concerning the consequences flowing from the introduction of massive amounts of chemicals into a complex tropical ecology. They warned of the possibility of soil erosion and laterization (an irreversible conversion to rock), the destruction of understory saplings and seedlings, the upheaval of insect, bird and small mammal populations, and of the effects these changes have on normal agriculture and the spread of disease. They deplored the use of herbicides to kill food crops because those who suffer the effects of starvation are mainly pregnant and lactating women, children under five, the sick and the aged.

With the publication of Rachael Carson's Silent Spring in 1962, the public became aware of the extent of chemical intrusion into the ecosystem and its possible adverse effect upon the flora and fauna of the world. It was in the same year that the massive use of herbicides in Vietnam began and expanded from an initial 4900 acres sprayed in 1962 to more than a million sprayed acres in 1967. The alarm of civilian scientists in the United States found some expression at the annual meetings of the American Association for the Advancement of Science. The council of this large, heterogeneous organization for long skirted the hot issue of the Vietnam war and adopted instead a resolution bearing on the relationship of herbicides to the environment. Until last week, attempts to broach the thorny issue of military herbicides proved fruitless because of the diffuse expression of views by the board of directors. Nonetheless, questions directed by the AAAS to the Department of Defense resulted in a study, sponsored by the Pentagon, of the literature dealing with the possible ecological effects of the massive use of herbicides. At about the same time, another government agency initiated long-delayed tests into the toxicity of some of the herbicides to laboratory animals, and by inference, to man.

In 1966 the National Cancer Institute commissioned a series of studies to evaluate the carcinogenic, teratogenic and mutagenic activity of selected insecticides, herbicides, fungicides and industrial chemicals. As part of this research, the chemicals were given to pregnant rats and mice at different dose levels and by subcutaneous and oral routes to study their potential interference with normal developmental processes, an action which has become known as teratogenesis. Late last month copies of the long classified study became available.

The Institute's tests revealed that two of the herbicides examined had caused gross abnormalities and birth defects in mice. 2,4–D was termed "potentially dangerous, but needing further study" while 2,4,5–T was labeled "probably dangerous." Further tests with 2,4,5–T on rats confirmed its teratogenic effect; up to 100 percent of the litters fed varying doses of 2,4,5–T in honey had excessive fetal mortality and a high incidence of serious developmental abnormalities in the survivors. Female rats that were fed doses as low as 4.6 milligrams per kilogram of body weight (equivalent to about 1/100 of an ounce for an average woman) bore three times as many abnormal fetuses as control rats. The study concluded that "it seems inescapable that 2,4,5–T is teratogenic."

The implications of these findings for Vietnam are obvious. In rural areas of the countryside where the spraying is most intense, drinking and cooking water is often taken directly from rain-fed cisterns and ponds, sources readily contaminated by chemicals sprayed from low flying aircraft. If 30 pounds of agent Orange are sprayed per acre, roughly 15 pounds of 2,4,5–T are released. If one assumes a one-inch rainfall after such a spraying, and the use of three liters of water a day for drinking, and cooking by a Vietnamese woman, one can calculate that a dose of 2,4,5–T equivalent to 4.5 mg/kg body weight may be consumed. This is exactly the lowest dose which produced measurable effects in rats in the National Cancer Institute study. To make matters worse, it is not known whether humans are more sensitive to the teratogenic actions than rats.

Within the last year there have been a number of reports in Vietnamese newspapers about an increase in birth abnormalities. Viet Bang, a South Vietnamese journalist writing for the Buddhist newspaper Chanh Dao has stated that the doctors in two main maternity hospitals (Tu Doc Hospital in Saigon and Hung Vuong Hospital in Cholon) are under orders to send all their files on miscarriages and malformed babies to the

Ministry of Health, after which the files are no longer seen. The US response to these findings was conservative. The White House Science Advisor, Dr. Lee DuBridge, announced that, "a coordinated series of actions are being taken by the agencies of government" to limit the use of 2,4,5-T. He stated that the Agriculture Department would cancel registration of 2,4,5-T for use on food crops in the United States by January, 1970, unless the Food and Drug Administration found a basis for establishing a safe legal tolerance. Such caution at home was not paralleled by similar caution abroad. In the same statement, DuBridge announced that the Defense Department will not stop the use of 2,4,5-T in Vietnam but will restrict its use to areas remote from populations. The Pentagon has interpreted this as a sanction of its present policy; no change whatever will be made in the Army's policy governing the military use of 2,4,5-T.

The possibility that teratogenic doses could have been ingested in this country is discounted by the government. DuBridge has said, "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is sought." Yet 2,4,5-T is sprayed primarily along powerlines and pipelines, and secondarily upon croplands. Biodegradation in the soil is very dependent upon the particular conditions at the site of spraying, and possibilities of accidental drift are high. Congressman Richard D. McCarthy (D, N.Y.) recently stated, "I find it difficult to understand how a complete ban on use of this defoliant in the United States can be postponed until January and how the Department of Defense can continue to use this defoliant after learning the results of the tests." Part of the answer to the congressman's difficulty may lie in the fact that 2,4-D and 2,4,5-T production contributes over thirty-five million dollars annually to the herbicide industry.

The implications of the 2,4,5-T case, the government reaction and the entire defoliation program are profound. First, 2,4,5-T represents a chemical developed from scientific technology in the forties which has been massively applied to the human environment for 20 years before proper research into its potential harmfulness to humans was conducted; it may represent an ecological equivalent of thalidomide. How many more chemicals have been spawned by technology and spread throughout the human ecosystem without adequate testing? Neither picloram nor cacodylic acid were examined by the National Cancer Institute study; yet the recent Midwest Research Institute report on herbicides in Vietnam indicated a number of references in the literature that suggested some teratogenic activity in cacodylic acid.

Secondly we have failed to consider the long-term hazards from the intrusion of chemicals into a system that has evolved its intricate arrangement for many millions of years. The complex ecology of a tropical region is much like the interdependence of a pyramid of toy blocks; the removal of one element upsets all the others. It has been assumed that if a chemical can be introduced without immediate detrimental effects, then its application can be doubled or tripled without worry. Yet very recently, in the case of DDT, we have seen how biological systems tend to accumulate chemicals over long periods of time. After 20 years of spraying, the hormonal effects of DDT are causing serious disruption in the reproductive cycles of many birds, and the end of its effects cannot be seen.

Finally, in Vietnam, we can detect the beginnings of a new military tactic in limited warfare. No longer is scientific technology used only to kill the enemy; chemicals are also employed to destroy the ecology that supports him. This environmental warfare has been conducted without any broad examination of the question whether any cause can legally or morally justify the deliberate destruction of the environment of one nation by another. The United States must begin to grasp the concept that belligerents in hostilities share a responsibility for preserving the potential productivity of the area of conflict. Otherwise, our technology may convert even the most fertile area to a desert, with lasting consequences to all mankind.

ADDITIONAL CALIFORNIA WAR DEAD

Mr. CRANSTON. Mr. President, between Friday, January 30, 1970, and Tuesday, February 17, 1970, the Pentagon has notified 20 more California families of the death of a loved one in Vietnam.

Those killed:

Pfc. Michael H. Baird, son of Mr. Aloze E. Baird, of Mountain View.

Pfc. Henry D. Bell, son of Mr. and Mrs. Henry D. Bell, of Daly City.

Sp4c. John M. Burnley, son of Mr. Ira Burnley, of Los Angeles.

WO Gale W. Butcher, Jr., son of Mrs. Sylvia H. Chaney, of Hayward.

Capt. David W. Coppernoll, son of Major, retired, and Mrs. Russell W. Coppernoll, of San Diego.

Pfc. Danny C. Davis, husband of Mrs. Mary L. Davis, of Rio Linda.

Sp5c. Billy F. Dodd, son of Mr. and Mrs. Andrew M. Dodd, of Wilmington.

Pfc. David E. Farr, son of Mr. and Mrs. Norman L. Chapple, of Thousand Oaks.

CWO Ronald J. Fulton, husband of Mrs. Marlene L. Fulton, of Lompoc.

Lance Cpl. Charles V. Green, son of Mr. John E. Green, of Venice.

Lance Cpl. Delmar J. Herrin, Jr., son of Mrs. Billie A. Hutchinson, of Santa Ana.

Lance Cpl. Charles Hinton, Jr., son of Mrs. Catherine Hinton, of Fremont.

Pfc. Gary L. Hobbs, son of Mrs. Dorothy M. Nibarger, of Hanford.

Pvt. Terry S. Loprino, son of Mr. and Mrs. John Loprino, of Salinas.

Sp4c. Jesus J. Meza, son of Mr. and Mrs. Joseph Meza, of San Bernardino.

Pfc. Richard H. Miller, son of Mr. and Mrs. James E. Miller, of Long Beach.

Sp4c. Larry H. Morford, son of Mr. and Mrs. Benjamin W. Morford, of Carmichael.

S. Sgt. Ernest A. Rivera, husband of Mrs. Esther Rivera, of Imperial Beach.

Sp4c. John T. Rodgers, son of Mrs. Martha R. Rodgers, of Los Angeles.

Lance Cpl. Carlos Valenzuela, son of Mrs. Margaret Valenzuela, of Selma.

They bring to 3,954 the total number of Californians killed in the Vietnam war.

JAMES F. ROBERTSON, ASSISTANT POSTMASTER, GADSDEN, ALA.

Mr. ALLEN. Mr. President, Mr. James F. Robertson, assistant postmaster of my home town of Gadsden, Ala., has been recognized in an article in the Gadsden Times for his selfless dedication to a unique worthy cause. In the belief that others may find the account of this work a source of inspiration, I request unanimous consent that the article be printed at this place in the RECORD.

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

THEY TAKE TIME TO HELP

(By Reuben Killebrew)

A young man in Gadsden is celebrating Christmas at home today and living the good life because someone cared about him after he went wrong and landed in the county jail.

James F. Robertson, Gadsden's assistant postmaster, and Earlie J. Jones, a Gadsden insurance man, devote more than an hour each Sunday morning to teaching Christianity to inmates of Etowah County jail atop the courthouse, and trying to care for their individual needs. In many cases the two are the only ones the inmates can turn to for help.

Both men are affiliated with First Baptist Church and are members of the Baptist Brotherhood Association, a citywide organization. Robertson has been making these weekly visits for 15 years and Jones for almost five.

Another group from the Assembly of God Church visits the jail each Friday and ministers to the inmates. The group is headed by Mrs. Doris Mynatt, pastor of the church, and Mmes. Annie Wilson and Jessie Trasher.

Both groups have Christmas programs each year. Friday the ladies visited each cell and served cake to all the prisoners. Sunday the men and more than 20 youths from First Methodist Church's Inner Focus put on a program jointly.

A small gift was presented to each inmate and the youth group sang Christmas Carols. Even though the weather was cold and rainy the young people showed up on time for the program.

Both the men and women find this work rewarding, paying off in results such as one young man Robertson told about. He was attending a Brotherhood meeting in one of Gadsden's Baptist churches. The youth greeted him, "You probably don't remember me. I'm So-and-So. I told you when I was released I would never be in jail again." And he hasn't. He now holds a good job and is an active member of his church. Some discipline of religion, friendship and fatherly advice from Robertson paid off in a life rescued from disgrace and defeat.

Robertson and Jones have helped many released from jail in finding jobs and finding themselves. Some are holding jobs dealing with the public and are doing well at it. Robertson praised their employes for giving these persons a chance to rehabilitate themselves.

One man who was in county jail before his conviction is now serving a long term at Kilby. He has made good even in prison. He is a member of the Kilby Jaycee Club, organized by Montgomery Jaycees.

This man was so impressed with Robertson's efforts on his behalf while in county jail that when he was sent to Kilby he invited Robertson to talk to the club there.

Tuesday the post office official showed a stack of about 40 letters he has received from the Kilby inmates. Asked how often he heard from his former Sunday school pupil, he said, "About twice a month. When I get time I answer his letter and he fires one right back to me."

Both men get letters from many of their former charges. Much of their work consists of contacting prisoners' families and even in doing what they can to help these families, when needed.

Jones learned through two youths in jail that there were 12 children in the family and none of them had ever gone to church. After working with the two in jail and their family all of the children now go to Sunday school regularly.

A Texas youth, in jail here, protested his innocence. Jones and Robertson were the only persons he could turn to for help. They contacted his family, who in turn brought in the local sheriff. Eventually his innocence was confirmed and the youth set free.

"I was in prison and ye came unto me," so says St. Matthew's Gospel. These men and women not only believe in the Good News, but also practice it.

Or in the words of the Benedictus, their purpose is "To give light to them that sit in darkness and in the shadow of death, and to guide our feet into the way of peace."

They do not count the cost, which is counted only in time—not money. For they have learned, as Thoreau expressed it, that "money is not required to buy one necessity of the soul."

SENATOR WILLIAMS PRAISES MESSAGE OF MORRIS LEVINSON, PRESIDENT, ESSEX COUNTY AND SUBURBAN DISTRICT, ZIONIST ORGANIZATION OF AMERICA

Mr. WILLIAMS of New Jersey. Mr. President, on Monday, January 26, 1970, 50 residents of New Jersey participated in the Emergency Conference of Jewish Leadership on Peace in the Middle East. As part of this conference, they met with the members of their congressional delegation.

Mr. Morris Levinson, one of the New Jersey members of the emergency conference, presented an extremely sensitive statement of his views regarding U.S. policy in the Middle East. In that statement, Mr. Levinson urged that the United States do the following:

First, make it clear to Egypt that the United States will not, under any cir- to forfeit its security;

Second, speedily deliver the jets already sold to Israel and permit Israel to purchase other necessary military equipment;

Third, approve favorable, long-range credit terms for Israel's purchases, and

Fourth, make it clear that in the view of the United States, peace cannot be achieved unless the Arabs are willing to negotiate with Isreal, face to face.

Mr. Levinson attended the emergency conference as a representative of the Zionist Organization of America, the Jewish Council of Essex County, and the Citizens for Permanent Peace in the Middle East.

The words of Mr. Levinson have special meaning to us all. Therefore, I ask unanimous consent that his message be printed in the RECORD.

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

STATEMENT OF MORRIS LEVINSON, PRESIDENT, ESSEX COUNTY AND SUBURBAN DISTRICT, ZIONIST ORGANIZATION OF AMERICA

Gentlemen, we are here because we are concerned about the continued existence of the State of Israel, a nation which perhaps more than any other in the world, is founded upon the very same precepts that guided the fathers of this great nation of ours when they established these United States and wrote our constitution. It is quite natural that the People and Government of the United States have always been in accord with the aspirations of the Jewish people to re-establish the Jewish State in the Land of their forefathers. The ideals that motivated those aspirations were based on the love of justice for all mankind, for the attainment of peace among all nations and for friendship and mutual understanding among all peoples. Those same ideals, precious to the United States as they are to Israel, are as valid today as at any time throughout history, and aside from any geo-political or strategic considerations, still serve as the binding force that has cemented the ties between our people and the people of Israel—ties that cannot, that *must* not be severed because of our mistaken notions of where our financial and strategic interests lie and how those interests can best be protected.

I have the singular honor of being here as the delegate of three organizations: The Zionist Organization of America, the Jewish Community Council of Essex County and of Citizens for Permanent Peace in the Middle East, an organization composed of citizens of all faiths who have become alarmed over Russian penetration of the Middle East and who, following deep and serious consideration, have come to the reluctant conclusion that the vital interests of the United States and the Free World are not adequately served by the apparent present policy of the State Department of the United States. I believe that all people throughout the world pray for an end to the Cold War and for an accommodation between the United States and the Soviet Union. But the accommodation must not be bought by the loss of freedom by small nations. Nor must it be obtained at the expense of a threatened stoppage of the flow of Mid-Eastern oil to Western Europe or the nationalization of American financial institutions in countries such as Saudi Arabia and the Shiekdoms of the Persian Gulf. That is exactly what would happen if the United States will submit to further Soviet-Arab blackmail.

To those Americans who advocate concessions to Egypt at Israel's expense lest we lose the billions in revenue from Mid-Eastern oil, I submit that exactly the opposite is true. I would remind them of the so-called civil war in Yemen which was in reality a war between Saudi Arabia and Egypt, between King Faisal who fears communism as he fears for his life, and President Nasser who, even today, is engaged in the centuries-old Levantine game of haggle and swindle in his quest for Pan-Arabism and the sultanic mantle of King of Islam and ruler of all the Arabs. That ambition of Nasser's is plainly outlined in his book, published in 1952, just as Hitler's ambition and program were published in "Mein Kampf." Unfortunately, the world's statesmen do not believe what Nasser wrote as they didn't believe what Hitler wrote until it was too late.

I would also remind those who would protect America's financial interests that the Russian Migs flown by Egyptians in the Yemen and the Egyptian troops, armed and trained by Russian advisors, in their war against Saudi Arabia, were recalled to Egypt because of the Six-Day War of June, 1967. American interests in Arabia, along the entire Mediterranean, were made safe because Israel, all alone, dared to respond to the aggression of Egypt, Jordan, Syria and Iraq. Had that not happened, had Nasser been able to continue his war and been successful, the real victor would have been Russia. She would then have been able, at will, to deny the dominance of the area to the West and to determine when, where, to whom and at what price Arabian oil was to flow. The defeat of Saudi Arabia would have been followed by the Egyptian annexation of Jordan and a squabble by Egypt, Syria, Iraq and Lebanon over the division of the spoils of Israel. (It is worth noting that the Saudi Arabian troops now stationed in Jordan are there primarily for the purpose of protecting King Hussein against the troops of Iraq who are also stationed in Jordan.) America had better wake up to the fact that a strong State of Israel in the Middle East is the best protection for America's financial interests and the best deterrent to complete hegemony of that area by the Soviet Union.

And to those who express fear of a nuclear confrontation between the United States and the Soviet Union unless there is peace at any price, I say that if the remote possibility of a nuclear confrontation were ever to come about, it would be only when Israel is too weak to protect itself, when Nasser nationalizes the oil of Kuwait and Saudi Arabia and the Shiekdoms and when Russia seeks to dictate terms to the rest of the world, including the United States.

Gentlemen, the existence of a strong, viable and secure State of Israel is the best guarantee for the preservation of America's interests in the Middle East and the best deterrent to any nuclear confrontation between anybody in that part of the world.

We believe that the President of the United States and our Secretary of State do sincerely desire peace between Israel and its neighbors. We also sincerely believe that the President and Mr. Rogers are genuinely concerned with the welfare of the State of Israel and its people. But American diplomacy, well-intentioned in the past, has sometimes led to disaster. The present diplomacy of our State Department could very well lead to the catastrophic loss of American interests and, perhaps, to the isolation of the United States from the rest of the world—an end that the Soviet Union is most anxious to achieve.

In order, then, to protect America's self-interest and to pave the way that is most likely to lead to peace, we call upon our representatives in the Senate and House of Representatives of the United States, to urge our State Department to do the following:

1. Make clear to President Nasser that the United States will, under no circumstances, exert its influence upon the State of Israel to forfeit its security. The loss of hope for assistance from the United States and the ineffectuality of his armed forces might yet bring Mr. Nasser to the negotiating table.

2. Speed the delivery of the remainder of the Phantom Jets already promised to Israel and the sale to Israel of all additional arms necessary for her defense and the deterrence of a renewal of all-out war by Egypt.

3. In the words of Senator Charles H. Percy, "I believe it unreasonable to expect Israel to pay cash on the barrelhead when other friendly nations receive long term credit. I made inquiry this week and learned that at least ten nations are receiving long-term, easy credit for military purchases in the United States. I therefore urge the administration to approve similar credit terms for Israel and to do it quickly."

4. We must make it clear to Egypt and to the Soviet Union that, in the opinion of the United States, peace in the Middle East will be achieved only when the parties to the conflict will sit down themselves and iron their differences out. The negotiations must be face to face—not Rhodes type or any other type. The negotiations on the island of Rhodes after the 1948 war led to the wars of 1956 and 1967. Let Arabs and Jews, once and for all, start talking to each other, for their own good, for the good of all the people of the Middle East, for the good of the world.

THE F–111

Mr. TOWER. Mr. President, yesterday I had the pleasure of hearing the testimony of my distinguished colleague, the Senator from Arizona (Mr. GOLDWATER), before the Tactical Air Subcommittee of the Senate Armed Services Committee.

Senator GOLDWATER'S arguments were for an enlarged position of the General

Dynamics F–111 and redesignation of this fine bomber aircraft as the B–111. I support my colleague's position and feel his presentation is the most significant, constructive and informative declaration on this controversial aircraft ever presented.

I ask unanimous consent that the testimony of Senator GOLDWATER be printed in the RECORD, so all will have the opportunity to understand the vital role the B–111 is playing in the defense of our great Nation.

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

STATEMENT OF SENATOR BARRY GOLDWATER, FEBRUARY 17, 1970

Mr. Chairman, I want to thank you for the opportunity that you have given me to appear here today. I will be brief and to the point.

First, a brief word about my background and my interest in aviation. I was not a combat pilot; my experiences overseas were confined to heavy airlift but my real interest has always been tactical and strategic aviation.

I started to fly in 1930 and I have over ten thousand hours in well over one hundred different types of classes of aircraft. I taught both theory and practical air-to-air and air-to-ground gunnery and wrote a manual on this subject in World War II, and since that time, I have made regular training flights for gunnery and bombing experience in most of our modern century series. In fact, I have either checked out or have flown in every modern type we have in all categories. I am a graduate of the Air War College and a retired Major General in the Air Force Reserve, and my interest is as keen today as it was when I first climbed in an airplane in 1930.

The subject I want to discuss this morning is the F–111, or I would prefer to call it the B–111, because it is not a fighter, it is a bomber for strategic purposes and a bomber for tactical purposes.

There are really two F–111s, the F–111 of folklore and the real one. The press, amply supplied with ammunition, has dealt with the first one, the Department of the Air Force and the Chiefs of Staff of the Air Force deal with the other.

I have flown this airplane and I am a great believer in it, although I must readily admit that I was one of the chief critics of the way Secretary McNamara handled the original concept of this airplane because he tried to make it an all-purpose aircraft and airplanes just can't be built that way and I hope we never have to embark on this stupid road again. Every airplane built is a compromise and you just can't build compromises enough for all purpose aircraft.

As of now, the plain, simple, honest truth is that the only modern tactical or strategic bomber that we have coming off the production line is the B–111. If we do not provide the Air Force with the numbers they want, we will not have an Air Force equipped in the mid seventies to meet the challenges that we may well be faced with.

In Europe the NATO leaders are counting on this aircraft and around the world those nations to whom we have promised mutual support look upon this airplane as the one that will meet any of the threats of the seventies and will be a proper carry-on to meet the new generation embodied in the F–15 and the B–1 which will not be in our inventory until the latter part of this decade.

Much has been said about this airplane because of the widespread publicity which came with its inception and its bad handling by McNamara but I would like to touch on one or two of these points.

I would like to refer very briefly to the accident that happened just before Christmas. It is now being exhaustively investigated,, but it appears entirely clear that the failure of a forging was a one in a million kind of thing. It had nothing to do with the F–111 as an F–111; the same kind of metal and the same kind of forging is used in many other modern aircraft. This failure, unhappily, occured in an F–111.

The simple fact is that, folklore to the contrary, the F–111 has the best safety record of any of the Century Series Aircraft and this is true whether one is viewing total number of accidents, fatal accidents, or accidents in operation flying. This is fact, Department of the Air Force statistical fact, and I will draw your attention to the first of several charts that have been provided all members of the Committee.

During the time that the press had been filled with stories of the unsafeness of the F–111, one of our newest modern attack airplanes, in a single week, had five accidents with two of them being fatal, yet nothing was ever mentioned about it. If the Committee desires, I will be very happy to go into that.

I have flown the F–111; I have talked with the commanders and I have talked with the pilots. I think I have talked with almost every responsible person in the Air Force, military and civilian, and I tell you here today, Mr. Chairman, that without a shadow of a doubt it is the greatest aircraft for its purposes in the inventory of any Air Force in the World.

Back in 1960, ten years ago, the government assigned to the Department of the Air Force the task of determining the kind of combat aircraft that the country would need in the future. The best minds in the country, military and civilian, set to work. They looked at the international situation and estimated the threats that would face this country ten or more years hence. Upon completing their study these planners set down in most specific detail the kind of versatility that would be required of an aircraft in the years to come. The requirements were very strict and they pushed at the limits of aeronautical technology. But they said, "This is what we will need, and we believe it can be done."

The planners' forecast of the flow of world events has proved remarkably correct. And so was their belief that their very advanced objectives could be met. The aircraft they sought has become the F–111, the most inaccurately pictured and most unfairly maligned weapon system ever developed in this country. Every major objective has been met and what has resulted is the most versatile, the most capable aircraft in the world for its assignments.

What was sought, and what was achieved, was an all-weather aircraft that would fly supersonic both on the deck and at altitude, would have intercontinental ferry range without refueling, and could penetrate enemy defenses unescorted while carrying either conventional or nuclear weapons. It was also to have virtually error-free navigation and, extreme bombing accuracy, be able to take off and land on short, unprepared fields, and have greater reliability and lower maintenance requirements than any other airplane. The F–111 meets every single one of these objectives. It has not met every contractual specification—I think no aircraft ever has—but I am assured by those responsible for this aircraft that these shortfalls are relatively minor and in no way affect the overall tactical performance of the airplane. The second and third charts show specifics where the objectives were met and were not met, as presented to the Senate Appropriations Committee last year.

Its terrain-following radar, exclusive to the F–111, permits it to penetrate enemy defenses undetected until it's too late for the enemy to take action. On the fifty-plus missions flown in Vietnam, the enemy initiated defensive action on 88% of the missions, yet the aircraft received no known hits.

It is extremely important to note that the F–111 is the only aircraft to be specifically mentioned by the Soviets during the recent SALT talks, as a matter of concern to them.

Let me mention the subject of cost. This is a subject with which we have all become very familiar, the increase in cost of aircraft from the time of the original estimate until the aircraft gets into our inventory. Yes, the F–111 has increased in cost. Once, long ago, there were to be 2,446 F–111s of three types. The three types over the years became seven types. And the 2,446 airplanes have ended up at a figure of 675, or less. And it is here that we have the biggest contribution to the increase in cost. In my own opinion, the original estimate—in light of numbers of aircraft, changes made by the government, increase in versions, inflation, and other matters over which nobody really had control—was, and is, relatively worthless.

Increase in cost or not, its capabilities make it worth every penny. As chart No. 4 points out, in its TAC versions the F–111 will carry three times the bomb load twice as far as the aircraft with which it must be compared. It flies at supersonic speed at treetop level over the roughest terrain, making it invisible to enemy radar. It bombs accurately at midnight in bad weather, more accurately than other aircraft can bomb at noon on a cloudless day. The F–111 requires no host of escort aircraft for flak supression, electronic counter-measure, tankers, and other aircraft required by all of our other airplanes. This is important not only from an operational standpoint but because of the simple fact that four F–111s with an annual operating cost of $5.2 million will do the same job as a very large conventional strike force that costs $33.6 million in annual operation. I refer to chart No. 5.

In its SAC version, the FB–111 will give the Air Force the manned capability it must have to fill the gap caused by phasing out and aging of our present bomber fleets of B–52s and B–58s. Without it in sufficient numbers, as seen on chart No. 6, we will have serious deficiencies in SAC's manned force.

Mr. Chairman, we have invested $6.2 billion in the F–111, of which about $1.6 billion is in parts and materials to be assembled into aircraft on the production line. For this we now have 230 F–111s. For an additional investment of $1.5 billion we can procure 324 more **F–111s and I urge that this be done.** We must keep the production line open so the Air Force can have the numbers of aircraft they need.

Mr. Chairman, we in the Congress are faced today with a situation that can best be described as two lines slanting towards each other; one of them represents the planning that started ten years ago to counter threats then perceived as facing the country in the years to come. The other line represents the design, the development and production of the means to counter these threats. The two lines have now met, and their point of convergence is the F–111. In homely terms, we have planted our seed, watched our crop grow, and now at the time of harvest there is danger that we will not reap the fruits of our work and our large investment—only because of short sightedness.

The Air Force is unequivocal in its stated need for the F–111. It has consistently requested authority and funds to procure more F–111s than has been permitted by the Secretary of Defense. We have spent $6.2 billion for 230 of these fine aircraft and we can procure 324 more of them for another $1.5 billion.

Not to continue with the procurement of the F–111 could seriously jeopardize the Air Force's required force structure and would

cost the nation literally billions of dollars in cancellation charges, cessation of work on parts and systems, and unemployment of upwards of 100,000 people throughout the United States. The Air Force's requirement for six wings of F-111s for TAC (with a UE of 72 aircraft per wing) and seven wings for SAC (with a UE of 30 aircraft per wing) is still a valid requirement. The four wings currently authorized for TAC and the two wings for SAC are absolutely necessary.

Mr. Chairman, I thank you again, and I thank all members of the Committee, for affording me this opportunity to present my case for the F-111.

A MEMORIAL TRIBUTE TO MRS. MARIE H. KATZENBACH—THEY CALLED HER NEW JERSEY'S "FIRST LADY OF EDUCATION"

Mr. WILLIAMS of New Jersey. Mr. President, recently New Jersey lost a woman honored by so many as our "First Lady of Education."

Although Mrs. Katzenbach was never able to complete her formal education, she devoted her entire life to the advancement of education in our State. Her interests included library work, the School for the Deaf, Douglass College, the Union Industrial Home as well as the Bordentown Industrial School, the Mercer County Child Guidance Center, and she also served on the Rutgers University Board of Trustees.

Despite her many activities, Mrs. Katzenbach was able to raise her two sons to a life of achievement on their own. Her son, Nicholas, of course, was ultimately appointed Attorney General by President Johnson and then Under Secretary of State. Her other son, Edward, was Deputy Assistant Secretary of Defense in the Kennedy-Johnson administration, and then became director of the Commission on Administrative Affairs for the American Council on Education.

I ask unanimous consent that the article about Mrs. Katzenbach, the humanitarian, which appeared in the Trenton Times be printed in the RECORD.

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

"FIRST LADY OF EDUCATION"—MRS. KATZENBACH, HUMANITARIAN, DIES

Mrs. Marie H. Katzenbach, who devoted more than a half-century to advancing the interests of education in New Jersey, died early this morning at her home at 2 Stanworth Lane Princeton. She was 87.

Mrs. Katzenbach, mother of former Attorney General Nicholas de B Katzenbach, served on the State Board of Education for 43 years and was internationally known for her work with deaf children.

New Jersey's School for the Deaf in Trenton bears her name.

The family name is among the most famous in New Jersey. Mrs. Katzenbach's husband, Edward L. Katzenbach, who died in 1934, was New Jersey attorney general from 1924 to 1929.

SONS ACHIEVE MARK

Their two sons have both achieved national prominence. Nicholas joined the Kennedy Administration as deputy attorney general in 1962, and in 1964 became acting attorney general, when the late Robert F. Kennedy resigned to run for the U.S. Senate in New York.

Former President Lyndon B. Johnson appointed him attorney general in 1965 and undersecretary of state in 1966. He is now chief counsel for International Business Machines.

Her other son, Edward, was deputy assistant secretary of defense from 1961 to 1964 and director of the commission on administrative affairs for the American Council on Education from 1964 to 1966. He is now vice president of Raytheon Corp. in Springfield, Mass.

Mrs. Katzenbach was often referred to as New Jersey's first lady of education.

A native of Trenton, she began her career as an apprentice librarian with the Trenton Free Public Library in 1911 and a year later was appointed chief of the cataloging department. Over the next 10 years, she built up a highly-regarded reference section.

She was named to the State Board of Education in 1921 by Gov. Edward I. Edwards and remained a member until 1965. She began her association with the School for the Deaf in 1923, when she was appointed a member of the board there. She helped lay out the Sullivan Way campus and buildings and was active in management of the school.

Over the decades, Mrs. Katzenbach never missed the annual Christmas holiday dinner with the students. Although small and frail she was gifted with extraordinary energy and vitality.

In September, 1964, at the age of 81, she was seriously injured when her auto rammed into the State Education Building on West State Street.

HONOR BESTOWED

But she recovered to see the legislature rename her beloved School for the Deaf in her honor a year later.

Mrs. Katzenbach was the oldest of six children and because she had to devote so much time to the care and upbringing of her brothers and sisters, she was unable to complete her formal education. She graduated from the old State Model School and took some courses at the University of Pennsylvania.

She met her husband in her first year at the Trenton Library. Mr. Katzenbach was treasurer of the board of trustees there. They were married in 1911.

Mrs. Katzenbach credited her interest in education to the profusion of books in her childhood home.

"We always had books around us at home. My father was a businessman but a very bookish man, too, and very interested in education," she said in a 1963 interview.

After her marriage, Mrs. Katzenbach continued to live in Trenton but moved to Princeton in 1943.

Mrs. Katzenbach's interests as an education official were widespread. She had a close attachment to Douglass College and was made an honorary member of the Class of 1930. Later, she received an honorary doctor of letters degree there. A dormitory on the Douglas campus bears name.

SPONSORED YMCA UNIT

She was mainly responisble for the opening of the old Colored YMCA on Montgomery Street in 1912—the forerunner of the Carver YMCA.

She was an early advocate of full racial integration of educational facilities and was vitally concerned over raising sufficient revenue to finance new state colleges.

She served as president of the Union Industrial Home and helped manage the former Bordentown Industrial School.

She had a life-long interest in nature and from 1930 to 1939 was president of the Trenton Garden Club. She often said that it was the beauty of Princeton's old trees that convinced her to move there from Trenton.

She served on the Rutgers University Board of Trustees, beginning in 1932. During World War II, she served one day a week at the Fort Dix Library, borrowing books from the Trenton Library to give to soldiers whose education had been interrupted by the war.

In 1947, she was one of five Mercer County delegates to the Constitutional Convention which reshaped the state government, giving the governor of this state powers unmatched in most others.

She helped create the Mercer County Child Guidance Center and was active in a host of other civic enterprises.

Yet, she found time to travel abroad many times, absorbing culture wherever she found it.

She was a member of the Daughters of the American Revolution and the Episcopal Church.

THE PUBLIC SCHOOL SITUATION

Mr. ALLEN. Mr. President, a letter from a distraught mother concerning a local public school situation in a community of Alabama appeared in the December 1969 issue of the Alabama Farmer. I assure you, Mr. President, that circumstances described in the letter are not isolated but are typical of education plans imposed upon schools and schoolchildren of the South by U.S. district courts and the Department of Health, Education, and Welfare. I challenge Senators to read this letter and ask themselves if the conditions described are consistent with the intent of Congress in implementing the 14th amendment. Mr. President, I ask unanimous consent that the letter be printed at this place in the RECORD.

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

GOD HELP OUR COURT-CONDUCTED SCHOOLS

DEAR MR. KENNEDY: I believe it would be very interesting and informative to many people if your magazine would do an article on the effects recent court orders closing schools have had on the schools in Alabama.

These are some of the things that the court orders have done to our school. (Billingsley in Autauga Co., Alabama)

Twice as many children as the building can accommodate have been assigned to our school. Six trailers have been pulled in for classrooms, but no bathroom facilities or water fountains have been added.

There are not enough books for the children. At this late date (end of October) some children have no books at all. Two of our daughters have no books. Those who have books have to share. No one seems to know what happened to the books which were in the schools that were closed. We have been told by a member of the Board of Education, that if we want books, our best bet would be to go buy them ourselves, although we pay taxes to furnish free text books for all school children.

The ninth grade English and History classes have 51 students each. One of these classes meets in a trailer. The 11th and 12th grade English classes meet only every other day. There are 2 sections. One class will meet one day. They sit in the front of the room. The other grade sits in the back. The next day the other class moves up to the front of the room to have their class. The teacher could not give six weeks tests because the students didn't have books.

The teachers have to spend a great deal of their time after school preparing work sheets. They spend a great deal of time also during class having to put work on the blackboard.

Normal school activities cannot be carried on. The Beta Club, which has been an outstanding feature of the school, has not been started. Many of the youngsters have worked hard to have the grade average re-

quired by the Beta Club. There are no extra curricula activities, except the sports program.

There has been a great deal of emotional strain on both teachers and pupils. Learning has been very difficult. Under present conditions, our children will never be prepared for college. Many of us parents have saved for years in order that our children could go on to college, but if they don't get a background in high school, college will be almost impossible.

A sad day has come to our beloved America when we see our government using the same methods as Communists to achieve what it wants. Our schools in Alabama and the South are being used for social experimentation instead of quality education. May God help us all, and especially our children who are victims of this vicious arm of the Federal Government.

Sincerely yours,

Mrs. M. E. McCULLOUGH.

JONES, ALA.

McCARTHY ERA GONE, BUT NOT FORGOTTEN

Mr. JACKSON. Mr. President, I wish to bring to the attention of Senators an article written by William Theis, chief of the Washington bureau of Hearst newspapers, published February 8, 1970, entitled "McCarthy Era Gone, But Not Forgotten."

Many Members currently in the Senate were not here during the period 20 years ago when Senator Joseph McCarthy was in full swing. I think Mr. Theis' article is very much worth reading. It points up certain lessons for today and tomorrow.

I ask unanimous consent that the article be printed at this point in the RECORD.

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

[From the Seattle Post-Intelligencer, Feb. 8, 1970]

McCARTHY ERA GONE, BUT NOT FORGOTTEN

(By William Theis)

(NOTE.—For about five years, from 1950 to 1954, a man by the name of Joe McCarthy generated panic and hysteria throughout the United States with his claims that communists lurked under practically every rock.

(The style of witch hunt McCarthy made famous has come to be known as "McCarthyism" and the condition which allowed it to flourish in the early '50s are not extinct.)

WASHINGTON.—Twenty years ago tomorrow, a little known U.S. senator—answering the Republican Party call to honor Lincoln even as others are doing this month—triggered the period of national tumult now known as the "McCarthy era."

It lasted for five years—years of doubt, fear and frustration.

There isn't much question from the record that Sen. Joseph R. McCarthy, of Wisconsin, then 37, stumbled into his role as leader of a crusade against "communists in government."

But in his swift grasp of the role's possibilities, and in its demagogic execution, he demeaned and denounced two Presidents, terrorized the Senate and struck blows at the State Department from which Secretary of State William P. Rogers says it is "just now fully recovering."

Joe McCarthy's free-winging attacks on individuals and on government policies—begun Feb. 9, 1950, with a speech at Wheeling, W. Va.—split families and religious bodies and bewildered foreign governments.

The attacks were finally checked on Dec. 2, 1954, when the Senate, shamed into saying, "no more," by the abuse it had suffered, formally "condemned" McCarthy for his treatment of that body.

McCarthy lived until 1957 but, his power shattered and his health failing, he no longer commanded attention or the publicity he so craved.

Could it happen again? Could another McCarthy, on some other issue, mesmerize millions with the half-truth and unsubstantiated accusation, bring cabinet officer to capitulation and threaten the fabric of government?

The sad but considered judgment of some key senators who lived through the McCarthy madness is that it could. All voted to condemn McCarthy.

Senate Democratic leader Mike Mansfield of Montana, who came to the Senate from the House when the McCarthy era was in full blast, said in an interview that the Vietnam War, North-South disagreement over school desegregation policy, or a "possible" recession could do it, however doubtful.

"There are elements of revolution or rebellion—many disparate fears for disparate reasons and with unlikely alliances," he said. "The elements are there and the right kind of demagogic match could light the fire."

Sen. Henry M. Jackson, D-Wash., a member of the permanent investigating subcommittee which McCarthy headed after the 1952 Eisenhower victory gave Republicans Senate control, said the "fear" that marked the McCarthy era continues in some other ways. People, he noted, "still hesitate to speak their minds." He concluded:

"This has not emerged again as a national problem, and I hope it never will. But it could occur again."

And Sen. John O. Pastore, D-R.I., one of the 28 senators still in that body who were members when it cast its censure vote, told the Hearst newspapers:

"Considering the kind of world we live in, where emotions run high, I would regretfully speculate that while we might not have a recurrence of the McCarthy era within the same framework, it's quite possible we could build up a substantial segment of fear in some other area—with this same demagogic appeal."

The 1954 vote against McCarthy was not easy for Mansfield and Pastore. Both are Catholics as was McCarthy. And the crusading Wisconsin senator's anti-communist zeal had won him broad support from the Roman church. But they, like Jackson and Sen. George D. Aiken, R-Vt., dean of the Senate Republicans, voted with the majority on the 67–22 roll call that "condemned" McCarthy.

Aiken, looking back 20 years and then to the future, said that while "people always have to have something to get excited about"—sometimes to the point of extremism—the present Senate "won't let that happen again.'

The Senate of 1970, said the 77-year-old lawmaker, is seeking to recover the balance in government, to "restore better international relations and rebuild the State Department." He added:

"The former Senate was scared. I don't think this Senate would panic."

Secretary of State Rogers, who served as the Senate investigating subcommittee counsel for part of the McCarthy era and later became Attorney General in the Eisenhower administration, doubts the likelihood of another "McCarthyism" threat—particularly to his department.

"I don't think so for two reasons," he told a panel of Hearst reporters.

"One, I think our country has matured a good deal since then. Secondly, we don't have the obsession about secrecy that we had.

"That was at the time when we had the (atomic) bomb, and we thought the secret of the bomb could all of a sudden be transferred to the enemy, and we are long since past that.

". . . I think also that I should say that the State Department is just now fully recovering from the blows of those days and I think that, if I can get more public exposure about what the State Department is doing and the people in it, that it will get a lot more public acclaim and recognition than it had in the past . . .

"You and I were there at the start of that period. Maybe we can prevent it from happening again."

The department was headed by Dean Acheson when McCarthy, in his speech to the Ohio County Women's Republican Club in Wheeling 20 years ago, charged that communists known to the secretary were "working and shaping policy" in that department. McCarthy used varying figures on the number of communists he was talking about—from a first Wheeling report of 205 to "57" he claimed in a Feb. 20 Senate speech as his figure. At the same time McCarthy escalated his figure to 81 alleged communists.

The next day the Senate authorized its first invetigation of the McCarthy charges—by a foreign relations subcommittee headed by Sen. Millard E. Tydings, D-Md.

Dean Acheson, still a Washington practicing lawyer, wrote recently in his book, "Present at the Creation," that "the subcommittee furnished McCarthy with a platform, loudspeaker, and full press coverage for his campaign of vilification. He made a shambles of the hearings."

Among McCarthy's named targets was Dr. Owen Lattimore of Johns Hopkins University, whom he called "the architect of our Far Eastern policy"—a policy that McCarthy contended was shaped by Soviet sympathizers and agents and had lost China to communism. Acheson noted that Lattimore had "never been connected with the department and I did not know him."

Much of McCarthy's anti-communist support came from people who argued that "where there's smoke; there must be fire." In fact, there had been enough evidence of communists' efforts to infiltrate the U.S. government to justify concern. But that activity had already been well exposed, by, among others, then Rep. Richard Nixon.

Republican leaders, led by the late Sen. Robert A. Taft, of Ohio, encouraged McCarthy as the 1950 election year unfolded. The Tydings committee agreed that McCarthy's charges had not been substantiated, and the Senate upheld that report. GOP Senate leaders then centered their fire on Acheson and President Truman.

Tydings was made a special political target of McCarthy and his Republican supporters. With McCarthy's help, the Democrat was defeated for re-election in 1950 by John Marshall Butler.

Sen. Margaret Chase Smith, R-Me., took issue with her party. In a June 2, 1950, "declaration of conscience," she said that although "the nation sorely needs a Republican victory . . . I do not want to see the Republican party ride to political victory on the four horsemen of calumny—fear, ignorance, bigotry and smear."

South Korea's invasion by the communists in late June fanned the Republican cries for Acheson's resignation. But Truman replied that if communists were to prevail in the world, Acheson would be one of the first they would shoot. He stayed.

Republicans hoped that winning the Presidency in 1952 would calm and redirect McCarthy. The then Vice President Nixon, in fact, tried repeatedly to get McCarthy to shift his investigative energies to other matters.

It didn't work. President Eisenhower's administration was accused of having a "weak, immoral and cowardly" foreign policy.

The senator's clout was made dramatically apparent when, at the urging of Re-

publican leaders, candidate Eisenhower did not speak up as planned in defense of Gen. George C. Marshall, his old comrade-in-arms, when he campaigned in Wisconsin. McCarthy earlier had virtually called Marshall a traitor.

When the term "McCarthyism" was coined to describe his tactics, McCarthy replied that "McCarthyism is Americanism with its sleeves rolled." He used it in the title of a book of speech excerpts: "McCarthyism: The Fight for America."

In June of 1953, Chairman McCarthy sent his young subcommittee chief counsel, Roy Cohn, off to Europe to investigate "subversion" in various U.S. agencies. With him was G. David Schine, son of a hotel chain owner and a committee staff "consultant." Their publicity romp through nine European cities made headlines embarrassing to ambassadors and perplexing to Europeans.

Two months later, Schine was inducted by the Army—and events which led to McCarthy's downfall began to develop. Charges by the Army that McCarthy improperly tried to get preferential treatment for Schine, and a charge that the Army had tried to pressure McCarthy to call off his investigation of alleged communists in the Army, featured the "Army-McCarthy" hearings.

McCarthy temporarily stepped down as chairman for the 35 days of televised, tempestuous hearings in the late spring of 1954. Clashing were Army Secretary Robert T. Stevens and McCarthy, with Stevens capitulating at one point and agreeing to let Brig. Gen. Ralph Zwicker appear as a witness after first refusing. McCarthy later told Zwicker, a World War II hero, he was "a disgrace to the uniform." That by-play cost McCarthy the support he later could have used in the Senate.

McCarthy perhaps suffered his greatest injury in the hearing exchanges by goading too far the Army's special counsel, the late Joseph L. Welch. At one point, the soft-spoken Welch told him:

"You have, I think, sir, something of a genius for creating confusion—creating a turmoil in the hearts and minds of the country."

At another point, when McCarthy charged that an assistant of Welch had been a member of the National Lawyer's Guild, the veteran lawyer called the senator "reckless and cruel" and asked: "Have you no sense of decency left?"

The exchanges brought home to millions of Americans what many in Washington had felt about McCarthy from the beginning: that he was like an irresponsible boy who squirted a water pistol that he refused to admit was loaded with acid.

The committee's conclusions divided along party lines, except that Republican Sen. Charles Potter of Michigan joined Democrats in criticizing McCarthy for bad behavior.

A month later, Sen. Ralph Flanders, R-Vt., introduced the censure resolution that launched the final McCarthy inquiry. This time it was headed by Sen. Arthur V. Watkins, R-Utah, and McCarthy was the defendant.

The Watkins "select committee" found that McCarthy had earlier been in contempt of a privileges and elections subcommittee and had abused Zwicker unfairly. But during floor negotiations, the Zwicker charge was dropped and instead McCarthy was cited for also having abused the Watkins committee.

Just before the vote, the "censure" charge was changed, at the suggestion of Sen. William F. Knowland, GOP leader, to "condemn." The vote "condemning" McCarthy was 67 to 22, with six senators absent and not voting. It condemned him for conduct that "tended to bring the Senate into dishonor and disrepute."

The months of pressure—investigations, press conferences, public speaking and partying—had taken their toll. McCarthy, always a heavy drinker with recuperative powers, found his health failing.

More damaging, perhaps, was the departure of press and public attention. The Eisenhower White House dropped Senator and Mrs. McCarthy from its social list. Republican McCarthy didn't even attend his party's national convention in 1956.

On April 28, 1957, he was admitted to the Naval hospital at Bethesda, Md., where he died on May 2. His wife, Jean, a former aide, was at his side. At her request, McCarthy was given a Senate funeral—his body lying in the chamber—as well as a Catholic mass at Washington's St. Matthew's Cathedral. Then he was taken to Appleton, Wis., where he had started.

WATER POLLUTION

Mr. DOLE. Mr. President, as part of the recent discussion of water pollution and its causes, there have been charges that phosphate accelerates the eutrophication—aging—of water bodies.

The editors of Chemical Week have urged a scientific rather than rhetorical consideration of the problem of removing phosphate from detergents to solve the eutrophication problem.

I ask unanimous consent that this editorial from the February 4, 1970, issue of Chemical Week be printed in the RECORD.

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

LET'S NOT LYNCH DETERGENT PHOSPHATE

Several weeks ago, the phosphate that serves as detergent builder again found itself under attack in Congress. Its adversary, as usual, was Representative Henry Reuss, the Wisconsin Democrat who wants phosphate eliminated from U.S. detergent formulations by '72. This week (*see p. 7*) we have the spectacle of detergent phosphate on trial in Erie, Pa., before the six-member International Joint Commission, which concerns itself with regulation of boundary waters between the U.S. and Canada. The commission's advisory boards already have recommended that phosphate be eliminated from detergents by '72. In both cases, phosphate has been charged—and it would appear, convicted—of causing accelerated eutrophication (aging) of water bodies. Main symptom of this aqueous malady: an overabundance of algae.

For congressmen and commissioners, we have a question: What's the hurry? From where we sit, the case against phosphate is hardly conclusive and the punishment unduly severe. Let's look at the record:

(1) Phosphate performs an important service to detergents and to our standard of living. It puts the zip into detergents' cleaning power, and without it the housewife would have to settle for a lower standard of cleanliness—whether she used detergent or soap. Detergents, despite their inherently better cleaning power, never scored mass commercial success until they took phosphate into their formulation. Key question: Will the housewife take a step backward in her concept of what is clean?

(2) No satisfactory substitute for phosphate is now available to detergent formulators. Nitrilotriacetic acid (NTA) is being used as a partial replacement for phosphate in some formulations, but it is far from certain that this material can fully replace phosphate. And the environmental effects of NTA or its breakdown products are hardly well-defined. It would take considerable time, perhaps years, to determine whether any suggested replacement is safe—to human beings, the environment, fabrics and machines.

(3) Phosphate can be effectively removed in waste-treatment plants. Thus, it can be taken out of the wash water, rather than out of the detergent box, if its elimination ultimately is deemed desirable.

Despite all the foregoing considerations, it still might be judicious to move rapidly to eliminate phosphate if it posed a clear threat to the well-being of the population. But the fact is that eutrophication is not so much a pollution problem as it is a recreational and esthetic problem. We do not minimize the need for action to preserve such natural beauty as remains to us, but surely eutrophication does not merit the same urgency as hazards to health, for example.

So, why the big hurry? At the very least we should find out scientifically how much contribution detergent phosphate is making to accelerated eutrophication. Right now, there isn't even a reliable test to determine how much phosphate algae require for growth. Such a test is being developed, but won't be ready for two years. One critical application of this test will be to determine whether algae may be getting all their phosphate needs, and maybe more, from groundwater runoff containing fertilizer, animal waste, etc. Researchers may well discover that the eutrophication problem would remain even if no detergent phosphate found its way into the nation's streams and lakes.

For all the good reasons we have stated, we caution the legislators and the administrators against shooting from the hip. They may blast phosphate out of detergents, but they may not be very proud of their victory when the facts are finally in.

THE EUROPEAN HUMAN RIGHTS COMMISSION

Mr. PROXMIRE. Mr. President, in the world today there is perhaps no finer, or more effective, organization devoted to the cause of human rights than the European Human Rights Commission. The Commission is the only international institution to which citizens whose countries subscribe to the European Human Rights Convention can make legal appeal if they believe their own country or its authorities are denying them such fundamental rights as fair administration of justice, freedom of expression and opinion, respect of family life, freedom of religion, or the right to education.

The European Convention on Human Rights which consists of 56 articles, came into force in 1953. The treaty, which has been subscribed to by 16 European nations, not only defines fundamental human freedoms but establishes the legal machinery to see to it that these freedoms are protected. It has been said that this document is the most important one to emerge from the more than 60 treaties and agreements so far drafted by the Council of Europe.

The casework of the Commission has been enormous. The first case ruling was handed down in 1955, and since that time more than 4,500 cases have been considered. About half the appeals are made from men in prison.

Appeals must relate to the Human Rights Convention. The Commission does not rule on the validity of a conviction, rather it examines the machinery of justice.

Appeals which clearly involve potential cases for the Commission are answered by its secretariat with a statement of procedures and a request for precise details. When these are received, the dos-

sier is submitted to the Commission, which consists of legal experts from each of the treaty states.

If the Commission, which meets about eight times a year, declares the case "admissible," the secretariat prepares a full examination. It has often proved the case that during this process of uncovering facts, governments act before the Commission does.

Upon completion of the investigation, the Commission can refer an apparent violation of the Human Rights Treaty to the Committee of Ministers of the Council of Europe, or to the Court of Human Rights. The Court has so far received about a dozen cases and ruled there were treaty violations in three.

There can be little doubt that the European Human Rights Commission is an effective and worthwhile institution. The 16 European nations that have signed the Convention on Human Rights have recognized the need to allow their citizens a court of last resort beyond the confines of their own borders. The recognition that a nation's decisions on matters of human rights should be placed in review before a commission of its peers is a significant one. Through the work of the European Human Rights Commission, the rhetoric for the need for an international human rights commission to protect and preserve the freedom and liberty of its citizens is becoming a reality.

FUTURE FOR SMALL TOWNS

Mr. MONDALE. Mr. President, one area which is very much on the minds of all of us is the question of where and how our population, which will double to 400 million Americans by the year 2015, will live.

In this regard many of us have repeatedly endorsed programs to aid the growth and development of small towns.

Our smaller communities, have however, been overlooked all too often by the Federal and State Governments which see more visible crises in our larger metropolitan areas.

In Minnesota we have 842 incorporated towns, 102 of which are within the standard metropolitan statistical area of the Twin Cities. With the exception then of Duluth and Moorhead, the remaining 738 communities are, by definition, small towns.

At St. John's University near St. Cloud, Minn., the small city is very much in focus. There, at the Center for the Study of Local Government, and under the able direction of Dr. Edward Henry, an impressive study of "Micro-City" is being conducted with the aid of a grant from the Ford Foundation.

Recently the Christian Science Monitor published an excellent feature on this study, which I would like to call to the attention of my colleagues. I ask unanimous consent that it be printed in the RECORD.

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

RESEARCHERS SKETCH QUALITY-OF-LIFE POTENTIAL FOR THE SMALL CITY

(By Mary Frances Bohm)

The case for the small city, long suppressed by the clamorous demands of the big city, is persuasively stated and well documented by the Center for the Study of Local Government at St. John's University near St. Cloud, Minn.

The center was established two years ago with a grant from the Ford Foundation. In making the grant, the foundation commented that the best hope of stemming the flow of population to the big cities is to make life more attractive in the smaller ones. It is the only research center in the United States focusing exclusively on cities with populations between 10,000 and 50,000.

MUNICIPAL ASSETS INVENTORIED

"We believe that decentralization is feasible and that the small city has a future," said Dr. Edward Henry, head of the Department of Government at St. John's and Mayor of St. Cloud. "We are taking a long, hard look at the potential of the small city for absorbing part of the rural and farm drift to the larger city and for providing more graceful living in the future."

The study is being made by students and professors in five Minnesota colleges. They have interviewed citizens and municipal officials in a dozen Minnesota cities in the 10,000–50,000 population bracket—Albert Lea, Austin, Bemidji, Fergus Falls, Hibbing, Mankato, Moorhead, New Ulm, Red Wing, St. Cloud, Willmar, and Winona.

Among the studies is an inventory of the present physical and financial assets of these 12 cities and their projected demands for services and personnel. Four cities were chosen for an in-depth survey of attitudes about what constitutes the "good life" in a small city—what priorities people place on job opportunities, health, education, and recreation facilities.

TRENDS DISCOVERED

A middletown-type series of case studies of St. Cloud, analyzing the dynamics of policymaking, is to be published soon. A fascinating study delves into the power structure of small cities. Another examines comparative expenditure patterns. The profile of the city councilman and mayors in all 12 cities is interesting reading; it confirms the view that municipal jobs are not prestigious and that morale of officeholders is apt to be low.

"While these studies will provide unassailable data that should be useful to smaller cities throughout the country, the primary function of the center," Dr. Henry said, "is to act as a catalyst in fomenting attention for the smaller city."

The center is bringing local officials together in regional conferences to discuss their problems and to learn how to articulate their needs more effectively to state legislatures and federal agencies. The center also encourages other colleges to become research centers for communities, and it has received additional funds from the Hill Family Foundation for this purpose.

The Micro-City Study, as the St. John's project is called, is having some valuable incidental effects. The research assignments are popular with students. "This is what we mean by relevant education," one student said. A number of master's theses are being written on related topics, and many students indicate an intention to make municipal government their career.

Some of the studies are incomplete and none have been published yet. But Dr. Henry says that certain trends are observable and some solutions indicated. The greatest challenge to rescuing the small city is a political one: the multiplicity of overlapping governmental units. State legislatures must bring about some sort of consolidation along regional lines, he believes. He cites the Regional Development Act passed by the Minnesota Legislature in 1969 which divides the state into 11 regions and establishes planning and development commissions similar to the highly successful Twin Cities Metropolitan Council.

Dr. Henry foresees a small city in each region becoming a "mother city," a modern parallel to the major city of the ancient Greek city state. "The mother city must possess a private and public infrastructure supporting a variety of services that will provide the desirable cultural amenities," he said.

PERSONAL SAFETY NOTED

Chambers of commerce throughout the United States note that the comparative safety of city streets in the small city and the superior opportunities for recreation have already noticeably increased the attractiveness of employment there. The decentralized college system has seeded centers of culture in many states. The "New Federalism"—which aims to start money and power flowing back to states and cities—should also bring back some high quality people, it has been suggested.

Dr. Henry would do more than just let these trends take their course. He argues it should be public policy to enhance the quality of life in small cities. He cites the Maisons de la Culture (culture houses) established in a number of cities in France by Andre Malraux during his regime as minister of culture. These centers contain a well-equipped theater, exhibition hall, record library, and other facilities. First-rate art exhibits, concerts, and theatrical performances visit these centers. Funds come partly from the cities and partly from the French Government.

The Micro-City Study promises to come up with a number of ideas for enriching life in small cities, ideas that could become the basis of public policy.

ENVIRONMENT

Mr. NELSON. Mr. President, better than any speech on the subject, reporter Haynes Johnson's recent series in the Washington Post portrays an America whose quality of life is threatened by the environmental destruction wrought by our reckless pursuit of bigness and abundance at any price.

He reports an increasingly grisly scene, and a deeply disturbed public. In the Los Angeles area, home for 10 mililon Americans, there is the smog report along with the regular newscast. In the western desert lands, there, are the dying coyotes, poisoned in predator control programs, running vomiting across the country side, spewing out the poison as they go, passing it on in the ecosystem to threaten other species.

There are angry citizens in Missoula, Mont., stunned by the increasing air pollution in that nature's paradise, remembering a time last December when a temperature inversion brought pollution readings close to the levels in London in 1952 which killed 2,000 people. There is the "dead sea" of up to 20 square miles in the ocean off New York City, poisoned by sewage sludge being dumped offshore at a rate of more than 4.5 million tons a year, confronting the Nation with the frightening fact that the ocean itself is no longer invulnerable to the mounting tide of wastes from our affluent society.

What of the future? This is what America's young people are now asking, because they will inherit the mess. Where is the meaning in a society that has so distorted its values that it destroys the very quality of life for the individual which it has always professed as its fundamental aim?

A tough air pollution control official in Los Angeles, quoted by the reporter in the series, states it well:

You know, I really feel for these young kids today. Many of them are growing up in our cities never knowing what it's like to smell burning leaves in the fall, or pick blueberries in the spring, or see the stars at night over their homes. They're growing up without even knowing about some of the best things that we all just took for granted when we were born.

What kind of America? What kind of future? There are the fundamental questions we will be deciding as our institutions and our people attempt to respond to the environmental crisis.

I ask unanimous consent that Haynes Johnson's excellent series in the Post be printed in the CONGRESSIONAL RECORD at this point.

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

POLLUTION DIMS LOS ANGELES' LOFTY DREAMS

(By Haynes Johnson)

LOS ANGELES.—Valley of the angels, American dream, go West—go West to the beaches, mountains, palms, to the easy life, ranch houses, benign climate, to the new job, big money, new town.

So they have gone West.

They are richer than all the old dreams, more favored by all the old cherished standards of success. They have more goods, more creature comforts, more air conditioners, more cars. Their personal demands, like those of their society, are insatiable.

They are primary examples of an American phenomenon. While the country's population doubles every 60 years, its demand for electrical power doubles every 10 years.

But here, in the largest heavily industrialized, semi-tropical area in the world, that ratio is accelerated. Here, the population has more than doubled in 25 years and the demand for electrical energy is six times as great as it was in 1945.

Because Los Angeles is so prosperous, because it is so young, and because it has been so fast to adopt new ways, it has been called "the city of the future," on the theory that whatever is going to happen in other cities will happen first in Los Angeles.

And there it is, on the freeway—"Escape." An enterprising huckster has placed a billboard where passing motorists can see the inducement to abandon "the city of the future" for some new community back in the hills.

If people are trying to escape "the city of the future," is this the fate of all large American cities?

For all their blessings of climate and comfort, Southern Californians live amid official reports of "alerts", of noise, smog, congestion and, now, of increasing rhetoric over an old problem—pollution.

"It's our increased demand for goods and services—the increased desire for more and more affluence—that comes into direct conflict with the need to protect the environment," says Stanley Greenfield, head of the Rand Corp.'s environmental sciences department at Santa Monica.

"This is completely contrary to the economic drives of this country. How do you get the affluent to give up some of his affluence? How do you get indusry to say, 'don't buy my products'—or 'let's not make more than a certain number'?"

His is the voice of the expert. But Angelinos don't require scientists to be reminded of their daily problem:

Turn on your car radio and get, along with each newscast, a smog report. Drive into a gas station and buy the "cleanest" gasoline.

Pick up a newspaper and read about smog killing the 100-year-old ponderosa pine on the slopes of the Los Angeles basin . . . Or the speech by the biologist warning of a curtain of smog producing famine . . . Or the eventual need for gas masks simply to breathe outdoors.

ALL ARE CONCERNED

Listen to the teen-ager talk about the oil slick that ran down the coast from Santa Barbara and made it impossible for him to swim at Long Beach . . . Or the naturalist say the birdlife is disappearing . . . Or the health official remark that pollution is a serious problem "because we know so little about it and there is always the threat of a major disaster" . . . Or the pollution control expert say, "We've just got to preserve this thin veneer of air if we want to take care of life on this planet, if we don't want to see the earth become a dead cinder" . . . Or the urban expert speak of the day when citizens may be required to get licenses to travel in a car from California to visit relatives in the Midwest . . . Or . . .

But in Los Angeles you don't have to listen. Just look.

Your jet plane comes in from the East descending from the deepest of blue skies over the mountain. Suddenly, you drop into a brown sea of air extending from mountains to the Pacific. The conversation changes. Now, people are talking about pollution.

Try though they do, many natives cannot get away from it on the ground.

When he came back to Los Angeles from his government job in Washington, D.C., Lu Haas was determined to move his family away from the smog. Haas, now on the California staff of Sen. Alan Cranston, settled close to the ocean in an area relatively free of smog. He finds another situation when he drives to his office each mornning.

PLAY PERIOD CURTAILED

"There you are on the freeways, heading east," he says, "and ahead of you is a blanket of smog. And you've got your radio on and you hear the warning that the schools in the San Gabriel Valley have been advised to curtail exercise and recreation programs for that day because of the heavy smog. Think about those kids—thousands and thousands of kids affected—and that's not a rare occurence. It happens all the time."

On South Grevilea Avenue in the heart of suburban Inglewood, residents daily face a more immediate concern. Every minute or so, day and night. Saturdays and Sundays, a jet airplane rumbles low over the houses on the way to touchdown at nearby Los Angeles International Airport. As the jets skim over with a deafening noise, trailing a thick black cloud of exhaust, they leave in their wake tangible evidence of their passage.

"You can't keep the house clean," says Mrs. Winona Coleman, 58, of 10214 S. Grevilea. "It sifts in through the cracks and the windows and I can't do anything about it. The plaster is cracking, and I know the noise has affected my hearing.

"Sometimes you feel like they're coming right in here. I think it's bad for everyone. After all, you're breathing the stuff."

CLOSE TO RETIREMENT

She said, a bit wistfully, that it used to be a nice neighborhood when she and her husband moved in 20 years ago. "If we were younger we'd definitely get out of here and live in the country. My son-in-law and daughter, they moved from here because they wanted to get the children out of this environment. But we'll stick it out because we're so close to retirement."

Across the street, Mrs. Carol Hoffman, 25, a blond housewife and mother of four, wasn't so patient. "I'm moving," she said, standing at her front door looking up at the planes. "I don't see how anyone can live this way. And when they go over at night, the children scream. The noise seems to pierce their ears. Everyone that can is moving out."

That kind of concern can be found all over Los Angeles today. It helps to explain why the pollsters now say pollution has replaced financial difficulties, campus unrest and the war in Vietnam as the primary political issue in the most populous state.

From Gov. Ronald Reagan down, every politician is getting into the act.

In offices, at cocktail parties, on campuses, in the press and on television pollution is a constant topic. There are new organizations and new slogans designed to fight the new cause. Even the bumper stickers, those modest testimonials to the public mood, are falling swiftly into line. "California," says one sticker, "Save It or Leave It." Other cars passing by bear other messages: "Support a Lesser Los Angeles." "Save Our Coastline." "Clean Air."

Yet for all the attention, even veteran conservationists—and some politicians—view the present fanfare with a certain wariness. They are afraid it will turn out to be a passing fancy, to be replaced in due time by another convenient issue.

"Of course it's a terribly important issue," says Jess Unruh, Speaker of the California Assembly and the most likely next opponent for Gov. Reagan. "But it isn't going to mean a damn thing unless the people are prepared to do something about it.

"It's nice that after all this time Reagan has discovered smog in Los Angeles and pollution in San Francisco Bay. What it amounts to is every politician is trying to capitalize on this as an issue. Some are sincere, some are good, some are not. It's also another place where the opinion makers have have moved to create a new climate.

"But there's another side to this: "it's a very safe haven for those who don't want to deal with slums and blacks and the problems of the inner cities. It's an easy cop-out."

MOST VISIBLE TARGET

No one denies that pollution is a problem. For years California—and particularly Southern California—has been a prime example of what man is creating for himself and his heirs. Today, with President Nixon leading a national attack on environmental pollution, California remains the most visible target for an examination of where the country is heading—and what it's doing to itself.

For Californians, Riverside County is the gateway to the desert, to dry air, and such celebrity communities as Palm Springs, 100 miles inland from Los Angeles. It was to Palm Springs that Frank Sinatra had fled in the fall of 1968. I've had it with Los Angeles and Hollwood," Sinatra had said then. "The smog is so bad I have to visit my doctor three times a week. The air isn't fit to breathe, so I'm clearing out."

Now, smog has come to Palm Springs.

The problems grow.

In the fertile San Joaquin Valley, the setting for John Steinbeck's "The Grapes of Wrath," scientists point to another example of imminent ecological disaster. To insure greater production of grapes, nitrate fertilizers have been used extensively there. While the grapes flourished, so did something more ominous. The nitrates filtered down to the water table and began appearing in wells in dangerous quantities.

Other chemicals were washed off the land surface by rainfall and found their way into the San Francisco Bay, adding to pollution and the poisoning of fish and marine life.

Statistics tell the story.

Draw a 60-mile circle around Los Angeles and you encompass the lives of 10 million Americans. Living on less than 5 per cent of the total land area of California, they account for more than 50 per cent of the state's population, income, employment, cars and telephones. In Los Angeles County 25 years ago, almost all the electricity was generated

by hydroelectric plants that produced no air pollution. Today, 90 percent of it is generated in steam electric generating plants burning natural gas or fuel oil. When high-sulfur fuel oil is burned, houses, cars, boats, and vegetation in the vicinity of the plants—all are damaged.

At current demand rates, by 1980 Los Angeles County will be generating 100 billion kilowatt hours of electrical energy. The figure for 1969 was 43 billion kilowatt hours.

California thus is providing a model for the rest of the nation. In addition, some of the best research being done in the field is coming out of California campuses and private institutions.

At the Rand Corp. Stanley Greenfield was talking about the future and raising the kind of questions that are today confronting every American.

PRICE OF CHANGE

"What is the full price of change?" he was saying. "What is the impact of pollution on the degradation of our environment—on health, weather, climate? Then there is the real question: how do you get across to the decision-makers what must be done?"

There are only 90 miles of open beach left in California, less than an inch of space for each person in the state. "Is this part of the quality of the environment?" he asked. "I think it is.

"The normal ecological balance is starting to be disturbed, so you have those who say we have 10 years before the degeneration is irreversible, and the extremes that you hear about are not that far from reality."

"What we have to do in this country—and what we've never done before—is say, 'This is the kind of environment we want,' and determine what it's going to take to get us there."

Another kind of concern was expressed by Dr. Lester Breslow, dean of the School of Public Health at UCLA and former state health officer.

"The point of view of what's economically feasible from the standpoint of industry," he said, "is often directly opposed to the public interest from the standpoint of health. Now you can expand this to such things as the location of power plants.

"The argument is made that we have to advance through technology—create more jobs and so forth—but what we need to do as a nation is to decide whether technological progress is going to be guided by narrow economic interests or by the public interest in health and the quality of life.

"That's the issue. That's the fundamental issue. And we haven't decided yet. If anything, today we're more in favor of the narrow economic interests."

LONG-TERM EFFECTS

If such men tend to take the more philosophical view, even the public officials directly charged with pollution control speak of their immediate problems in terms of long-term effects. Louis J. Fuller, air pollution control officer for Los Angeles County, turns rapidly from the present to the future.

Fuller, regarded as a tough enforcement officer, says bluntly, "the easiest way to put a stop to this (air pollution) is put a stop to it. This is the reason why I have taken action in 45,000 criminal cases—and I'm not talking about taking the housewife to court because she violated the rules at the dump. And we've got a 98 per cent conviction record to back that up. And I like to think that because of the battles we've had the problem should be easier for other areas."

Because of tough regulations and a hard-nosed enforcement policy, Fuller says air pollution in Los Angeles is now on the downward trend. Things should continue to improve until the 1980s, he says, with one great problem in the future. If population, and cars, keep increasing as they have in the past, Los Angeles, like other areas, is in danger of being overwhelmed by numbers alone.

Taking a long look himself, Fuller says:

"When you realize that the turn of the century is only 30 years away, it makes you pause and ask yourself where the hell we're going." Nature has a way. If things get out of balance too far, you're going to get a good kick in the teeth. It happened to us once before in the Thirties when half of the Middle West blew away with the wind.

"It's just possible we may be exceeding the limits that make it possible for us to return. How far have we gone already in killing off our wildlife, our birds and vegetation? Lake Erie is a dead sea—and the Hudson and the Potomac. Good God! Just think about it. And we have allowed our cities to become too large. When you get anything the size of Los Angeles it's ridiculous."

Fuller, a bluff, outspoken man, an activist instead of a pessimist, added a last thought. If he were young, he said, he would be tempted to try and escape himself. He might go off to Canada and start fresh.

"You know, I really feel for these young kids today," he said. "Many of them are growing up in our cities never knowing what it's ike to smell burning leaves in the fall, or pick blueberries in the spring, or see the stars at night over their homes. They're growing up without even knowing about some of the best things that we all just took for granted when we were born."

POISON RAVAGES DESERT'S LIFE CYCLE

(By Haynes Johnson)

PHOENIX.—Coyotes are predators. They prey on rodents, game and, when they can find them, sheep and cattle. For years the federal government has been "controlling"—that is, killing—them by an extensive poison program.

Across the Arizona desert, and in other western states, hundreds of bait stations are put out each year. In each station, treated meat is set out alongside government signs announcing that poison is being used "to kill predatory animals which would harm your livestock and game animals."

Inside the meat is implanted Compound 1080, a highly toxic chemical capable of killing at very low concentrations. A single pound is enough to kill 1.8 million squirrels. It is an odorless, colorless poison that does not decompose in bait or poisoned carcasses. It attacks the central nervous system, affecting the brain, heart, liver, and kidney. There is no known antidote for it.

It can be fatal to man. There have been at least 13 proven fatal cases and five suspected deaths from 1080 poison.

The 1080 poison has another quality that is a key part of this story: Its ability to kill continues beyond the first animal to eat it.

It has the potential, as one government paper describes the process, of acting as "a biological high explosive. Cats, dogs, and other carnivorous animals feed on dead rodents and may be poisoned by the 1080 in the carcasses."

The coyote, being a member of the dog family, is killed by 1080, with a special reaction. After eating the poison, he may run as far as 20 miles before dying. As he runs, he vomits as many as five times. Each time, he spews poison out onto the grasses and desert soil. Birds, and even cattle, who might eat the affected grass are liable to the poison themselves.

Rodents and carrion-eating birds such as eagles, buzzards, hawks and ravens that might feed on the carcass of the coyote become poisoned also.

Beyond that, conservationists and ecologists say the killing of coyotes sets off a biological chain reaction with devastating effect.

The coyote-rodent cycle is a prime example.

FEED ON RODENTS

Coyotes normally feed on rodents—prairie dogs, ground squirrels, rats, gophers and others pests, including rabbits. When the coyote population is "controlled," the rodent population springs up in greater number, posing another kind of agricultural threat: rodents damage the crops.

So a second "control" program is then utilized. Grain mixed with 1080 poison is seeded across the landscape to control the rodents. Some of the grain is scattered by helicopters. It becomes a deadly bait for the prairie dogs, squirrels, gophers and others. As they are killed, their death leads to still another round in the cycle.

Many of the dead rodents end up on the surface of the ground. There, they are readily available to be consumed by carnivores and scavengers of all kinds. That leads to the secondary poisoning of yet another class of animals.

Badgers, bears, foxes, raccoons, skunks, opossums, eagles, hawks, owls, vultures—all are exposed to possible secondary poisoning.

FERRET NEARLY EXTINCT

The black-footed ferret, one of the rare species of North America, is nearing extinction. The primary cause, that same government study says, "is almost certainly poisoning campaigns among the prairie dogs which are the main prey of the ferret."

To such arguments, the Wildlife Service maintains that it employs the poison because it kills "selectively" and efficiently.

Yet there is an even more serious question involved: Whether, in fact, the control program is necessary at all. Figures about losses to live-stock are hard to come by, but two estimates, one private, the other governmental, show that the cost of the poison program actually exceeds the livestock losses. In addition, the number of sheep raised in the country has been declining in recent years.

The 1080 poison is not the only part of the government's "predator control program." Implanted in the desert are thousands of what are called "coyote getters." They are guns that shoot cyanide in the coyote's mouth when he tugs at the scented trap. In addition, some 20,900 strychnine tablets are being used this year in Arizona.

"You go back and sit in a restaurant in Washington, D.C., or New York and tell people what's happening out here in Arizona and I'd bet that half of the people wouldn't believe you," said Max Finch, general manager of the Arizona Humane Society.

Finch was expressing part of the intense controversy the poison program has generated here and in other western states. For years, conservation groups have been attacking the program with little effect. Yet for all the emotion and bitterness it has aroused, only now is it beginning to surface as a national concern.

PART OF WIDER ISSUE

The current focus on environmental problems is taking in more than air and water pollution. Pesticides and herbicides and their impact on the environment are also at the center of attention. The position control program is a part of this.

As only one indication of the deep feelings—and the new interest—aroused, consider the letter written by Dr. Raymond F. Bock Jr. of the Pima County Medical Society in Tucson to the director of the U.S. Wildlife Services Division in charge of the poison program in Arizona.

"The Pima County Medical Society is becoming increasingly concerned with our environmental problems," Dr. Bock wrote. "The Society realizes that poisons of various kinds have an adverse effect on this environment, to the ultimate detriment of many species, including homo sapiens.

"This letter was triggered by your Department's map of proposed poison (1080) sites

for 1970 and your admission of about a 40 per cent increase in this poison program. When one considers that each dot on that map represents 40 pounds of sodiummonofluoracetate-treated meat, dosage enough to kill some 1,500 animals each dot, one wonders whether someone in your department has gone mad from a personal hatred of predators.

"In this regard, consultation with trained biologists, ecologists and mammalogists has indicated some startling inconsistencies.

"Concerning your division of Wildlife Services, we have found consistent objection to your methods by trained biologists. Further investigation into the entire animal control program seems to indicate widespread senseless killing of largely beneficial animals.

"Since we have been unable to find any conservation organizations that favor your methods, or for that matter, any trained biologists that favor them, we wonder what kind of misfits may be perpetrating this poison campaign?"

OFFICIALS DEFENSIVE

Perhaps because of such criticism, the government agents react extremely defensively to questions about the poison program. In an interview with Robert Shriver, director of the Wildlife Services Division here, virtually every point advanced by the critics was dismissed.

"There are ecologists and ecologists," he said. "I try to keep emotion out of this."

He was striving, he said, for a "practical approach" to a practical problem, and spoke of weighing the interests of wool growers, cattlemen's associations and sportsmen against those of conservationists. Once, while referring to livestock losses, he remarked that there "is a constitutional right for someone to protect himself."

As for the larger questions of environmental degradation: "There's a whole lot of things disturbing the balance of nature. When man set foot on this planet he upset the balance."

The 1080 poison, he said, "is recognized as the most effective, efficient and selective method of controlling predators."

Shriver also said there is no evidence that the poison does impair other wildlife. On that point, at least, there seems no doubt that he is wrong.

Four years ago, in a congressional hearing about the predator control program, the following exchange took place between Rep. John D. Dingell of Michigan and Stanley A. Cain, assistant secretary of interior for fish, wildlife and parks:

Dingell: . . . "If I remember you folks in the Interior Department have had some instances where you cleaned out your coyotes very thoroughly in the area and followed up the next year by being overrun with rodents and then had to conduct a fairly extensive rodent program to bring the population back into balance."

Cain: "I think that is a general fact of federal history in control of these large predators. This is what produced, at least this is partly what produced, the control problems for deer and elk in national parks, the reduction in predators."

That, it would seem, is reason enough to question whether such a program should continue.

There are other serious objections.

"An ecological system that is less stable is more liable to collapse," says Dr. Gerald A. Cole, a professor of zoology at Arizona State University. "This is an ecological principle that seems to hold true down the line. Why are the deer in trouble? We don't know. Have we done something we don't even know about?

"When you start managing the species you're creating strange fluctuations. A lot of things die, and what, precisely, does happen? Are soil and vegetation affected? At this point, there is no way of any honest appraisal."

As one vivid example, Dr. Cole pointed to a problem involving the famous saguaro cactus, the giant cactus that is so identified with the Arizona desert. Today, he says, they do not seem to be reproducing and are in danger of extinction.

One reason, he suggests, is that an increase in the rodent population causes them to become increasingly destructive in eating the roots and seeds of the cactus.

Other critics of the poison program make these points: that it is bound to damage the entire wildlife system, and eventually man will be affected; that it makes better sense to upgrade the environment instead of degrading it; that the day of the frontier long has passed, and with it comes a recognition that wildlife should be preserved on esthetic grounds alone.

Finally, they say, the government itself in a study report submitted to the then Interior Secretary Stewart Udall in 1964 recommended against the use of 1080 poison. More hostile critics charge the government bureaucracy with continuing to use it for a baser reason—to perpetuate their own jobs.

No one placed the problem in better perspective than Joseph Wood Krutch, who retired after a distinguished career as a New York critic and nature writer to live in the Arizona desert. Krutch, a mild and thoughtful man, sat in the living room of his ranch-house style home in Tucson, looking out across the desert toward the distant mountains, and said quietly, "I'm one who believes in catastrophe."

About wildlife problems, he said, "it's a fairly bad problem everywhere, but Arizona is especially bad. One reason why it's so difficult to do anything about it is people are so naive. They think if the state or federal government spent so much money employing so many people it must be important.

"But lots of time it's really a case of vested interests, people protecting their own jobs. The same thing is true throughout our society.

"What it comes down to is this: Science and technology are creating more problems than they're solving—and yet we go right on with it."

Krutch reflected on the changes he has witnessed since coming to the desert. "Twenty years ago in Tucson those mountains would have stood out as if they were only two blocks away, and the sky was brilliant and clear. Now it's beginning to look like Los Angeles."

He ended on a gloomy note.

"This may be the end of our civilization. It's going to be either catastrophe or a new civilization, either collapse or change."

He might have added that when it comes to a question of predators, one familiar figure still stands at the head of the list. Man.

"PROGRESS" FOULS MONTANA SKY WITH SMELL AND SMOKE

(By Haynes Johnson)

MISSOULA, MONT.—When the first demonstrations against air pollution in the Missoula Valley took place in the spring of 1968, Marilyn Templeton and Nancy Fritz did not participate. They were, as they said, too conventional; they were housewives and "good Republicans," not activists.

Today they head an organization that is taking an increasingly militant stance as it attempts to do something about pollution here in this valley tucked away in the Rockies.

"Now I can understand and sympathize with those students who take over administration buildings," said Mrs. Templeton after reciting her efforts in dealing with a host of state and local agencies from the governor's office down.

Mrs. Fritz adds:

"Some of our members tell us they'll come back to our group when we're ready to lie down in front of the trucks and stop production at the paper mill. And they're right. We know they're right."

They were underscoring a fact of life in Missoula, Montana. In a short period Missoula has turned from apathy to action—and anger—over its pollution problems. Missoula has not solved those problems, but it does provide evidence of how swiftly pollution has caught on as an emotional issue in the small out-of-the-way towns of America as well as the large mainstream ones.

"You can't be a politician in Missoula and say the companies are right and get elected," says Sam Reynolds, editor of the editorial page of The Missoulian, the local paper that is conducting a vigorous campaign against pulp mills that are filling the narrow valley with smoke.

Last month Reynolds' paper greeted the news of another plant planning to locate in the valley in the new fashion.

"So Missoula is going to get a $2 million chemical plant," it said. "One cheer. The old days of reflexive rah-rah over every bit of industrial expansion are gone forever. More and more economists and industrialists, not to mention environmentalists and the general public, are thinking that an ever-growing economy isn't all that it's cracked up to be. Other values now come first.

". . . If the plant does increase pollution, then nuts to it. It should NOT be built. Pollution abatement is the salient value in this valley, as every local politician knows. And any politician at the state level who fails to recognize that fact does so at peril of losing lots of votes."

In a sense, Missoula is a microcosm of the nation. It is no sleepy backwoods town, but a university community, the site of the University of Montana, and a city that has grown and prospered over the years. Its citizens are proud of their area, and the beauty of their natural surroundings. They live within a few minutes drive of some of the finest trout fishing in the country, and of excellent skiing. Glacier National Park and Yellowstone are within easy reach.

And the are typical of citizens in another important sense: until recently, they have accepted without question the traditional American concept of industrialization as being synonymous with progress. They never questioned industry's good faith, or its willingness to live up to its promises voluntarily.

When the Hoerner Waldorf Corp. opened a paper and pulp mill in 1957, the people of Missoula took for granted that the plant design would, as promised, provide for the "virtual elimination of undesirable water and air pollution."

The plant, which makes linerboard and bleached kraft pulp to serve a number of packaging needs throughout America—everything from boxes for suits to the lining around refrigerators—enjoyed economic success. From a $7 million operation with 78 employes in 1957 it grew to a $30 million investment and 438 employes in 1968. Production has increased four-fold in that time.

With progress, came problems.

The plume of smoke from the paper mill can be spotted for miles. It fills the valley not only with fumes, but with a foul odor. Company officials liken the smell to that of cabbage cooking on the kitchen stove. Others are less delicate. The odor smells unmistakably like a skunk.

Unpleasant as that is, odor is not the principal problem. Because Missoula, like Los Angeles and Phoenix is in a valley or basin, temperature inversions frequently occur, warmer air aloft holds down cooler air in the valley along with the smoke, dust, industrial and automotive gases.

LIKE LONDON CRISIS

For a period last December when Missoula lay in the grip of a week-long temperature inversion, the Missoula air pollution control authority recorded atmospheric data that was "startling," according to Dr. Kenneth J. Lampert, the city health officer. Dr. Lampert said the readings were coming close to those recorded when London experienced a major pollution crisis in 1952, when 2,000 Londoners died. Now, Dr. Lambert says, emergency procedures are being considered that would require the shutting down of every pollution source in the valley during such an inversion period.

He also says that hospital admissions for respiratory ailments go up dramatically during the worst air pollution months.

The company maintains its fumes do not create a * * *.

"It's not a medical problem, it's an odor problem, and that's a nuisance and people have a right to expect us to go great lengths to reduce that," says Roy Countryman, vice president and manager of the Hoerner Waldorf plant.

The company is now spending about $2½ million on new anti-pollution equipment, he says, and intends to spend several times that amount before the mill is brought into compliance with Montana's clean air standards.

"I represent a company that has demonstrated—and positively demonstrated—its willingness to go to great lengths to put in the best technology to do the job. Our critics would have you believe we're in terrible shape. We're not. We are in great shape. What's changed since '57 when we came in here is a lot of emotion, and a genuine interest in pollution problems."

COMPANY WAS SUED

Others are not so kind. They say the company took no steps to change until a long campaign that began in Missoula resulted in passage of Montana's first Clean Air Act in 1967. Another sharp prod came when the company was sued in an important case by the Environmental Defense Fund, Inc., a national organization active in the anti-pollution field.

The suit claims the emission of noxious sulfur compounds by the company has degraded the balance of life in the Missoula area, thereby depriving not only citizens of the region of their natural resources, but all citizens of the nation. It seeks a permanent injunction restraining the company from emitting the compounds.

The company says such an injunction could put it out of business. Its promotional material reminds everyone of its economic impact on the area. Annual purchases of over $20 million worth of goods, services and raw materials. Direct or indirect support of hundreds of local businesses. Annual payroll of more than $4 million. Employes paying more than $113,000 a year in income taxes.

In Missoula, that's big money. In the past, just the briefest recitation of such economic power would have been sufficient to still effective critics.

It isn't good enough today.

Rather than ceasing or reducing their efforts, the townspeople have continued their attacks. They point out that, despite, its assurances and expenditure of money, the company still hasn't actually installed its anti-pollution devices. Fear is widely voiced that the company intends to follow an old procedure and ask for a "variance" from the state board of health, exempting it from pollution regulations because compliance would work a "hardship."

ACRIMONY INCREASES

While Missoula waits, the atmosphere has become more acrimonious than ever.

"I find the climate within town very destructive," said Daniel Potts, company spokesman. "Before I came there was no question in my mind that I was performing a socially useful task. Here my wife and I encounter another kind of attitude, even from members of church, civic and other community groups.

"Here, you're regarded as part of something that exists only to profit and pollute the environment. There's no question in my mind that we do more than profit and pollute, and there's no question that we make a product essential to society.

"We recognize the community's desire—and we share that desire—to clean up. At the same time, the community's overlooking a lot of problems when it asks you to clean up."

What's happened is clear enough. Anti-pollution has become a cause, one that is attracting a vocal legion. A visit to Missoula leaves the strong conviction that there, at least, this cause represents something more than another instant American allegiance. It seems certain to remain a primary interest, both on the university campus and in the town.

"Our American tradition is that you can do anything you want with what you own," said Mrs. Arlene Dale, a research assistant to Dr. C. C. Gordon, a university botanist who is gaining a national reputation for his studies of the effects of environmental pollution. "My concern is that Missoula is not going to be like that.

VALLEY ON DECLINE

"What we're trying to find out are some basic questions: What is pollution actually doing to the plants and animal population? Those who say no one's died in the Missoula Valley from pollution are completely missing the point. The valley is on the decline. At the rate it's going, it may be 50 years or a hundred years, before it's a dead valley.

If you want to see an example of what I'm talking about go down to the Anaconda Valley. You'll see what I mean. The smelter operations there before the turn of the century killed it. It's a moonscape, a pock-marked desert. Essentially the same thing is happening to the Missoula Valley. The decline has already set in. We know that.

"There are still people who think we're all alarmists. They think there's nothing to worry about. We have no real evidence. There is no problem. And we disagree very much.

"You know, in the American industrial thinking you have no problem unless you are taken to court. The emissions are not a problem, the dead and dying vegetation is not a problem. It's not a problem until you're taken to court."

"VERY SELFISH REASON"

"This is the kind of community I like to live in—and I intend to stay here and make it better. It's a very selfish reason, you know. There's nothing more basic to human rights than the right to have clean air and clean water. If you don't provide a clean environment for your children, what have you done?

"There's pesticides in the food we eat, and pollution in the air we breathe and water we drink. We've always accepted these as the necessary evils of American technology. We may have used our river as sewers and pumped pollution in the air because that used to be the American way—but it's not the way now."

Such militant words are common in Missoula today. There will be more of them in the future.

Missoula citizens now are wrestling with news that two companies plan to build large plants in their valley. One is a formaldehyde plant, the other a particle board plant. No one knows for sure how much chemical vapor will be emitted into the air, but already some figures are creating new alarms.

For Nancy Fritz, whose organization called GASP (Gals Against Smog and Pollution) has taken a leading role in the anti-pollution fight, the latest news adds up to one more frustration.

She still has great faith in the American system, she says, but she confesses to nagging doubts. "It's not working on pollution," she says. "I don't go along with these doomsday theorists, but I'm just about to join them."

SLUDGE DUMPING AT NEW YORK ALARMS PUBLIC AFTER 40 YEARS

(By Haynes Johnson)

NEW YORK.—Every day, two or three times a day, a barge moves slowly out of the New York waterfront into the harbor, past the Statute of Liberty, and on to its final destination about 12 miles off the Long Island shore. There it dumps its cargo—anywhere from 50,000 to 100,000 cubic yards of sewage sludge—into the ocean.

The sludge is the final remnant of what is left from the 12 New York City sewage treatment plants. "What results," as one official explained it, "is relatively inert matter with a relatively small oxygen content."

New Jersey and Long Island communities also use those same dumping grounds to dispose of their sewage sludge. In 1968 alone, more than 4½ million tons were dumped there.

Within a several-mile radius of that point, other industrial wastes and contaminated dredge spoils are also dumped every day, several times a day.

Acids and chemicals from the plants lining the New York skyline, materials scooped up from the ocean bottom by dredging in the channel, cellar dirt and other refuse from the constant construction in the New York metropolitan area—all are dumped, all the time. Nearly 14 million tons were dumped there in 1968.

DELAYED ALARM

Although this dumping has been going on for nearly 40 years, in increasingly significant amounts from year to year, only now is a public alarm being sounded about what this has done to the offshore marine environment—and to the ocean itself. It appears to have created something close to an ecological catastrophe. "Appears" is the only accurate word to be used today; that is the most frightening aspect of all. No one knows for sure just what long-term damage has been done.

For 17 months, government scientists at the Sandy Hook Marine Laboratory in New Jersey have been studying the off-shore pollution problem caused by the dumping. They have come up with some alarming findings.

The dumping, they say, has severely affected the ocean's bottom over a 20-square-mile area. Marine organisms normally found on the ocean bottom have vanished in that area. Sediment samples taken from the bottom have contained what they describe as "unacceptable levels" of bacteria and toxic materials such as heavy metals.

Part of that testing area lies just three nautical miles off the Sandy Hook beach, an area used each summer by tens of thousands. Fish there have been found to contain "significant levels" of hard pesticides. That, along with contamination from such heavy metals as chromium, copper, and lead, poses a serious health problem. Fish eat the contaminated material, and they, in turn, pass it on to the large fish.

Today, there is no way of knowing how far those fish travel—or on whose table they might end up. Neither is it possible to tell what health problems might be created by people who might take in some of that water while swimming.

THOUGHT WASHING BACK

There is evidence that polluted material is washing back to shore, imperiling the public beaches.

The scientists also have detected other factors associated with the increase in offshore pollution. Among them are the number of fishes affected by disease.

Perhaps most alarming of all was the finding of low oxygen content in the waters over the sewage sludge dump areas.

Until a week ago when Rep. Richard Ottinger of New York first discussed some of the implications of the dumping, none of this had been made public. Now, it is the subject of intense controversy.

"I'll tell you, I'm trying to think of a simile," said William M. Kitzmiller, legislative assistant to Rep. Ottinger, after returning from a trip Friday to examine the affected offshore area with other government officials and scientists. Samples of the ocean bottom and the water were taken, Katzmiller said, adding:

"It's appalling. It's absolutely devoid of any significant sign of marine life. It's like going into a room where you expect to find a party and you don't see a single person or hear a single sound. I can't describe to you the impact this has."

NOT IN AGREEMENT

City officials react differently.

"There isn't anything new about what we're doing," said Maurice Feldman, New York City's commissioner of water resources. "We've been using that area for 35 years."

Feldman said there have been previous reports, but nothing that raised such alarm. "There should be a rational response to this," he added. The problem of pollution is not only how to stop it, he said, but what price must be paid. "The question you have to ask is what benefit from what cost?" he said.

As for himself, he was persuaded, given the tests the city has been making of water pollution, that there is nothing to be alarmed about today. More tests and research "and a good solid analysis" would have to be done.

He spoke of the possibility of dumping wastes farther out in the ocean. "If we go out farther," he said, "it could easily add a million or so dollars a year to our present costs." In the meantime, the dumping continues.

The dumping is only the latest evidence of the magnitude of pollution in the nation's largest metropolis. New York has it all—and all of it bad. Its air is the most polluted in the country, its streets probably the dirtiest, its noise the most deafening, its waters as befouled as any, if not more so.

Every day raw sewage is pumped into the Hudson River from New York and New Jersey communities. New York alone pours 365 million gallons into the Hudson. When the sun is right, the waters along the great harbor show off the colors of the rainbow—vivid yellows, oranges, red and purples. They are the result of industrial pollution.

The little Passaic River in New Jersey, only 90 miles long, is a case in point. For its first 64 miles it is used as a source of drinking water for more than 700,000 people. It also is used as a sewer for people and industry. At low flow, half of the water is treated sewage and industrial waste. For its last 30 miles, fed by the larger towns stretching down into the New York metropolitan area, the river becomes an evil-smelling open sewer. Then it empties into the New York harbor, and on out to sea.

On even the clearest day in Manhattan, the skyscrapers form a backdrop for a pall of smoke rising from the factories lining the East River.

Here, as in other areas examined in this series, pollution boils down to an essential problem. At this point, America has not found a way—or the will—to cope with a basic fact of industrial life—the disposal problem. How to dispose, safely, of the smoke and fumes spewed into the air from factories, automobiles, homes? How to dispose of the human and industrial wastes that are pumped into our waters? How to dispose of the seemingly most disposable items of everyday life, the paper, the packages, the cans, the bottles, the boxes that contain the glories of American technology and production, the mute testimony to American effluence?

New York is dramatic evidence that nothing is disposed of without some cost, or problem, either present or potential.

Take the daily struggle to dispose of the garbage. It is an endless and almost self-defeating fight.

Although New York's population actually has dropped slightly in the last decade, its sanitation problems have mounted. In 1960, the Sanitation Department disposed of 5.3 million tons of garbage. Four years later, it disposed of 6.1 million tons. Three years after that, the figure had risen to 7.3 million tons.

Because of the financial problems, the same work force has been trying to take care of that increasing load. Yet year by year the job gets bigger and tougher. They are trapped in a never-ending cycle of personal frustrations, public indifference and cynicism, and an impossible task.

Garbage and refuse isn't their only problem. They also are charged with the responsibility of removing abandoned vehicles. Like everything else, that problem has been increasing dramatically. Last year, 57,742 cars and trucks were removed from city streets. A year before the total was 31,578. A year before that, 26,002.

The city can't dispose of the cars, economically or practically, so it turns them over to private contractors who pay New York for the privilege of using the vehicles for scrap and spare parts. Eventually, they wind up in the junk yard.

The garbage itself is another problem—and, in view of the new problem detected over dumping of wastes, an ironic one.

Until 1934, New York City loaded all of its garbage on barges and dumped it offshore. The garbage washed back onto the shore, polluting the beaches and land. A court suit stopped that practice. New York turned to landfills—piling refuse on marshland and covering with dirt—and incineration to dispose of its garbage. A year after that suit, the city began dumping its sewage sludge offshore and private firms disposed of industrial wastes in the same fashion.

While that goes on, the city continues to struggle with its monumental garbage problem. The physical process alone is overwhelming—and unforgettable.

Begin uptown, off Park Avenue in that section that should be the best from the standpoint of cleanliness and orders. It takes a garbage truck as much as 45 minutes to collect from a single block. Can after can, bag after bag goes into the back of the truck where, with a whirring and clanking noise, it is all briefly displayed to the naked eye—the Scotch bottle and the color TV carton, the baby food container and the hairspray can—before it is crunched, crushed, and slowly forced in to the truck. Finally, carrying a load of nearly 6 tons, truck 287–015 lumbers on to its deposit point, the Marine Transfer Station on East 91st Street, one of several on the East River.

The truck backs up and dumps its load onto Department of Sanitation Barge 58. "That's a lot of stuff," says Carmine Carnacchio, 53, who has worked for the Sanitation Department for 19½ years. When it is filled, the barge holds between 700 and 800 tons.

It is, by itself, a monument to American technology. There it sits, a towering, fragrant mound of debris, carrying everything from telephone books to detergent boxes to sawdust to synthetic fabrics. It is a place for the gulls to feast upon, and they do as the barge is nudged out into the East River to become part of a flotilla of four garbage scows towed toward its last resting place.

The trip downriver, under the bridges, past the refining, brewing, baking, and chemical plants, and out into the harbor takes nearly four hours. It is a sight that can be seen day and night all week long in New York.

As the barges reach Staten Island, they head toward the final disposal plant—and the Fresh Kills reclamation area, a vast landfill section covering some 3,000 acres. There, cranes unload the garbage onto trucks and it is scattered over the area and then covered with dirt.

JUST TO KEEP UP

Fresh Kills is an industrial plant on a large scale all by itself. It is a self-sustaining operation that keeps going around the clock every day in the week. Just to dispose of the garbage, and keep the operation functioning, requires the work of more than 300 employees. They operate on three shifts a day, and their numbers include carpenters, blacksmiths, boilermakers, machinists, electricians.

They are constantly working to keep up with the continuous flow of raw material dumped on them. They operate the large cranes that unload the garbage from the barge. They direct the last stage of the harbor traffic toward them. They drive the trucks that spread the garbage over the land. They run the bulldozers that cover it up. They repair—and make—parts that break. They contend with drainage and weather uncertainties.

Merely keeping up with the inventory in the supply shops is a problem.

To walk through their shops, see the cables and massive equipment, is like visiting a booming shipyard—a yard devoted to garbage disposal.

No shipyard, though, ever operated under such handicaps.

Equipment is constantly breaking down; parts are in short supply; veteran workers are retiring and their replacements are difficult to find. It is not attractive work.

"The public doesnt realize what you're up against," said Robert Salter, 55, the district superintendent of the plant. "It's so frustrating and so God-damned aggravating."

For all his problems, Salter maintains a hearty, cheerful air. He likes to talk about what Fresh Kills was like when he grew up in the area years ago, when it contained fresh water, meadow land, trees, and some of the best crabbing and clamming to be found, when the graves dating from the early settlers and bearing dates in the 1820s were still a landmark. All that has long since disappeared.

Then he turned serious and spoke about the disposal problem. He was pronouncing a plight facing many more than one man in one American location.

What, in the end, are you going to do with all that material, he asked. Anything you do—burn, bury or dump—creates some kind of problem.

His concern was more than philosophical. New York will be soon facing another critical disposal problem.

"Five years from now and that's it," he said referring to the land at Fresh Kills. "There's not going to be any more room to put it here. They don't know where to go. Where are you going to put it."

"That," he said, in the understatement of the day, "is a problem all over the world."

URBAN STAKE IN SOUND FARM PROGRAMS

Mr. McGOVERN. Mr. President, today is the second day of hearings through which the Senate Agricultural Committee hopes to arrive at its recommendations on farm programs to replace the Food and Agriculture Act of 1965. The present commodity programs expire at the end of this year.

It is my conviction that Members of Congress who do not have large farm constituencies have a direct and imme-

diate stake in the progress of those hearings and in their final product. While the issue of farm income has come to be regarded in some circles as a contest between farmers and consumers, the truth is that their interests coincide.

I discussed a number of the factors leading to this conclusion in a statement to my colleagues on the Agriculture Committee this morning on behalf of S. 3068, a coalition farm bill which I have introduced along with Senators BURDICK, EAGLETON, HARRIS, HUGHES, JACKSON, MANSFIELD, MCCARTHY, MCGEE, METCALF, MONDALE, MOSS, NELSON, and YOUNG of Ohio. I ask unanimous consent that the statement be printed at this point in the RECORD.

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

STATEMENT BY SENATOR MCGOVERN

Mr. Chairman and fellow members of the Agriculture Committee, we are embarking today on a task of utmost urgency for the Nation's farmers and, I believe, for the entire population.

Certainly we must act, and I am here recommending a specific form of action known as the coalition farm bill. It represents the combined thinking and the combined support of some twenty-five major farm organizations and commodity groups.

The Committee staff has compiled an explanation of the bill, and I ask that it be made a part of the hearing record. Representatives of the groups included in the coalition will testify in detail on its treatment of various commodities. The central point which I want to deal with here is that it proposes improvements in farm income. Its essence is a continuation of existing commodity legislation, with amendments aimed at increasing returns to complying farmers.

For wheat, it would solidify the total return for domestic food wheat at 100 percent of parity, and would set a minimum support of not less than $1.25 per bushel. The new return would be in the form of a requirement that wheat export certificates be set to bring total returns on exported wheat to a minimum of 65 percent of parity, replacing the existing variable certificate based on world prices. The added cost would be about $275 million.

The Feed Grains provisions would move price support loans for corn up from $1.05 to $1.15 per bushel, and they would raise the direct payment from 30 cents to 40 cents, with commensurate increases for other feed grains. This would bring total returns up to a minimum of 90 percent of parity, and would cost about $350 million.

The Dairy title would extend and clarify the authority for inclusion of class I base plans in Federal milk marketing orders, removing some of the obstacles which have precluded widespread use of this marketing tool. Established dairy farmers would share the benefits of market growth, the present requirement for basing price supports on butterfat content would be repealed, and seasonal base plans would be separately and specifically authorized. The authorization for class I base plans would be made permanent.

The bill contains new authority for an acreage diversion program on soybeans and flaxseed, which would be available when total stocks accumulate in excess of 150 million bushels or 15 percent of the previous year's use, whichever is less. Support would be set at 75 percent of parity. This provision would end the necessity of relying upon reductions in support rates as a means of discouraging overproduction, and would cost from $25 to $35 million. A diversion program for rice is also authorized.

Existing programs for wool and cotton would be extended without change.

Beyond the commodity programs, the bill would establish consumer protection reserves of wheat, feed grains, soybeans and cotton. I think this is an essential feature, reaching across the problems that can occur for both producers and consumers because of our inability to predict with precision the size of a year's crop. At this point, Mr. Chairman, I would like to insert in the record a table showing how the reserve would operate and the size of Commodity Credit Corporation and on-the-farm stocks the bill contemplates.

Another title of the bill would authorize the establishment of marketing orders for any commodity when supported by a two-thirds majority of producers. This provision draws upon our successful experience in dairy, and is offered in the conviction that the same tool can work effectively in other areas.

I want to make special mention of two provisions of the bill which cut across more than one commodity program. The titles for wheat and feed grains would both make mandatory the present discretionary authority to make partial payments in advance of performance. This requirement, which sets the advance payment at 50 percent of the total, is extremely important because of the farmers' needs for operating capital during the planting season. The Department's decision this year to eliminate the advance payment on feed grains, which I hope we will reverse legislatively through separate legislation pending before the Committee, will work a severe hardship, particularly because of the record high interest rates which must be paid if that capital is to be secured from other sources. The net effect of the Secretary's decision will be a reduction in the Federal budget for one fiscal year, an increase in the next fiscal year, and millions of dollars in interest charges to hard-pressed farmers.

Finally, there is a provision in the bill limiting the amount by which the projected yield of a farm can be adjusted downward as a consequence of natural disaster in previous years. As members of the Committee know, the amount of production to be allowed on a given farm is established primarily by history. As a consequence, such natural disasters as floods, drought or storms can drastically affect the projected yield. The coalition bill would limit this effect to 5 percent of the production, in effect eliminating at least a good share of the added penalty the programs now impose on farmers who suffer crop losses.

This bill is both modest and practical. I think it indicates commendable patience on the part of people who have for many years sought the elusive goal of full parity. They ask no more than minimal progress toward that goal.

I hope the Committee will act favorably on S. 3068. If there is a consensus in agriculture—and farmers are more closely united now than they have ever been in my recollection—it is behind this proposal.

Along with several member organizations of the coalition, but not all, I hope the Committee will also incorporate in its recommendations a graduated limitation on the amount of payments any individual producer can receive. It should be set at the lowest levels consistent with achievement of production control objectives. I do not think the $15,000 figure that has been suggested is unrealistic in that respect.

A provision of this kind would eliminate one of the central causes of urban dissatisfaction with our farm programs. It would allow the concentration of benefits to those who need them most, and it would be consistent with the policy of encouraging family farm agriculture which we have so frequently repeated.

Mr. Chairman, the depressing litany of statistics about agriculture today leaves no room for doubt about the need for decisive action on farm programs. This is no time for retreat.

We have heard a great deal lately about the $16 billion in net income the country's farmers divided last year, a figure exceeded only once in the 1960's. I am sure no member of this Committee will have his vision befogged by that statistic. An analysis of its components indicates clearly that it is due almost entirely to the fact that we are on the low supply-high price side of the livestock cycle. Livestock prices averaged 12 percent higher in 1969 than in the previous year.

On the contrary, we should react with some concern to the fragility of that still-inadequate income level. The Outlook and Situation Board of USDA's Economic Research Service predicts that the favorable livestock outlook will probably continue at least into the first half of 1970, but their prognosis is that net income will likely not go up at all because "production expenses continue to surge, and for the year may offset the gain in income."

We all know that the costs of farm production have a disturbing tendency to hold at least to the new highs they achieve. I know of no case in recent years in which the costs of operating a farm have declined. But prices for farm commodities fluctuate frequently, and they will in the future. When the livestock cycle turns back down we can expect a new, damaging crunch on the Nation's farm families, giving new impetus to the exodus of people from the land.

Notwithstanding the $16 billion net last year, the per capita income of farmers in this country still lags back at about three-fourths of the income of nonfarmers. That is an improvement over the 1950's. But the change in the farmer's relative position derives almost exclusively from two changes—the continued decline in the number of farms and the steady rise in the amounts farmers supplement their incomes from nonfarm sources. This is hardly a favorable reflection on the success of our farm programs.

The $16 billion net is just slightly more than was received for the three-year average of 1947–49.

Since that time farm prices for all commodities have gone up only 2.9 percent, and they have been far outdistanced by the rapid spiral in the cost of living which burdens farmers like everyone else. Farm debt on January first of this year was $58.1 billion, up some 6.3 percent from the year before. Significantly, the increase in farm debt, at $3.5 billion, exceeded the increase in gross receipts in 1969 by $\frac{1}{2}$ billion. All of us who represent farm states know that many of our farming constituents are literally living on the growing borrowing power that comes from increments in the sales value of their land. And we shudder for the day when the market for farm land will break, as it must if prices continue to hold so far in excess of these warranted by the returns which can reasonably be expected from the land's food production.

These factors relate directly to the reasons why those of us from rural states should be concerned about the farm outlook and anxious to write the best possible farm bill. Our colleagues from more urban states should see the need they expose as well, because of the economic interdependence between rural and urban areas and especially because of their stake in assuring stable food supplies. Surely they must admire and seek to protect the farm system which supplies more and better food, at lower real cost, than anyone has ever enjoyed anytime, anywhere.

But today they have an even more direct and obvious stake in the work of this committee. The kind of bill we support has an intimate tie to one of their most pressing and urgent concerns.

During the past 20 years the entire population growth of the United States—54 million people—has occurred in metropolitan centers. The rural population has remained almost static. The central cause of this coagulation of our population is the economic stagnation of agriculture.

In 1935, at the high point, there were 6.8 million farms in this country. By 1950 the number had dropped to 5.6 million, and then the attrition began in earnest. The Department of Agriculture reported just a few weeks ago that nearly half of the farms that existed 20 years ago have now disappeared. We began 1970 with 2.9 million.

When a farm goes out of business the farmer is followed off the land by his family. And between 1950 and 1970 the number of people who are supported by farming has dropped at an average annual rate of well over 600,000. Some 14 million Americans have joined the exodus from the farms. They have, of course, taken with them a wide range of opportunities for non-farm employment in the enterprises which supply both the capital and consumer needs of farm families.

The rural America they have left is depleted by their absence.

Consider, for example, the tragic waste involved in the empty, decaying farmsteads. Now those houses are liabilities, because the land upon which they sit cannot be farmed until they are torn down.

Consider the heavy costs involved when rural states invest heavily in the education of their young people, only to have them leave and spend their productive years elsewhere because there are too few jobs.

Consider the consequences of rural poverty, recognizing that in rural America where only one-fourth of the people live we find half of the Nation's poor, two-thirds of its substandard housing, and half of the people receiving old-age and child care assistance.

Consider, too, the human costs involved when millions of Americans are deprived by economic necessity of their right to choose where they will live, in light of the results of a 1968 survey by Mr. George Gallup. 56 percent preferred a rural life; 25 percent found the suburbs attractive; a scant 18 percent were most favorably impressed by cities.

Obviously it has not been in the interests of rural areas for this migration to take place. Nor has it accorded with the wishes of the people themselves. Who, then, has benefitted? The cities?

Today the entire Nation is in the process of discovering the sad state of our environmental health, and we are finding that it is poor indeed.

The historic Potomac River which borders Washington, D.C. is attractive today only from a distance. It is not a stream but a sewer absorbing some 240 million gallons of waste each day.

Long Island Sound in New York receives 196 million gallons of sludge daily from 110 plants along its shores.

Lake Erie may be the outstanding example of our aquatic abuse. It used to support commercial fishing, but today the fish are all but gone. With only three of its 62 beaches safe for swimming, it is rapidly approaching the "too thick to swim, too thin to plow" stage. Lake Michigan is following close behind.

Similar situations exist throughout the country, wherever there are large concentrations of people.

And in those same places the atmosphere has become a distasteful, toxic mixture of pollutants. Too many automobiles spew more chemicals into the air than it can absorb. They join with the smoke stacks of heavy industry to serve up 133 million tons of waste material into the air each year. The resulting mixture assails the nostrils, burns the eyes, and damages the lungs.

These are two of the most unattractive features of urban life. Their causes are varied, for there are as many sources of pollution as there are modes of transportation or ways of earning a living. But their massive proportions today are most directly related to the fact that we have for so many years been allowing—actually requiring—our population to stack up in metropolitan areas. Some waste can be absorbed and diffused by the environment. But we have been clustering together and dumping intolerable amounts, and we have been clustering our resources at those locations so that each individual uses up more air and water. Each new arrival in the city impedes the pace and raises the price of pollution prevention and control. The quality of life is damaged for migrant and native alike. Perhaps it is already irretrievable.

Migration taxes the cities in other ways. The whole range of public services and facilities becomes less and less adequate. Transportation arteries are clogged. Schools are overcrowded and deteriorating. Public safety institutons are undermanned, overworked and unsuccessful.

We had a rough calculation of the economic costs of all of this in 1967, when Mayor Lindsay of New York estimated that his city would require Federal help in the range of $5 billion a year for ten years—a total of $50 billion—in order to become a decent place to live. Someone extrapolated that like help to other metropolitan areas would set the total Federal investment at $1,000 billion.

This is where we stand today, with population densities by state ranging from a low of 3.2 per square mile in Wyoming to a high of 929.8 in New Jersey among the 48 contiguous states. In Brooklyn there were, in 1960, 34,583 people on every square mile of land.

The future looks much worse. In the next thirty years the population of the United States is expected to grow by 100 million people. If present trends continue the great majority will find themselves in populous centers. Some 77 percent of our population of 300 million will be located on only 11 percent of the land area. The coasts will become continuous strips of cities. We have obviously not even begun to perceive the problems of overcrowding we will have then.

Mr. Chairman, there is not a shred of sense in this trend. It misuses our limited reservoir of natural resources. It is economically and socially wasteful. Our obvious response is to stop it—if we can.

President Nixon has taken note of the problem. In his state of the union address he decried the trend which had a third of our counties losing population in the 1960's and described the "violent and decayed central cities" as the "most conspicuous area of failure in American life today." Indeed, he spoke of creating a "new rural environment which would not only stem the migration to urban centers but reverse it."

I confess to some skepticism on that score after reviewing the record of 1969. I look forward to proposals which would implement such a policy. Certainly we must be definite and emphatic about our commitment to economic development of all kinds in rural areas. They must be made attractive for new job-creating enterprise. The whole range of programs affecting the convenience and comfort of living in rural America—housing, health, electric power, communications, transportation, education, and others—deserve expanded attention.

But we must all recognize as well that such programs are unlikely to even catch up with the migration if we let the agricultural base continue to decline and if we let the deterioration of the family farm system go on unabated. We must recognize at bottom that it is not essentially a lack of services or convenience that causes people to leave rural communities and prevents them from returning.

The finest homes with the best of consumer services, the most attractive schools and churches, the safest streets and the best medical care will not repopulate rural America. Only livelihood—jobs and business—will do that. And agriculture is at the core.

My fervent hope, therefore, is that as we proceed we will not become enamored of the concept that our concern for the economic status of farm people—important as that is—is the only one involved. We will ill-serve agriculture and we will ill-serve the country if we approach this issue with an apology. We will invite apathy to one of the most pressing problems of our time if our operating premise is that we must sneak something by an urban-dominated Congress.

Today more than ever before the Nation is equipped and motivated to see the costs of a deteriorating family farm system and to recognize its stake in a healthy farm economy.

Let us give our colleagues in the Congress a chance to respond.

	Reseal on farms	Farmers contracts	CCC publicly owned
Amount of reserve: [1]			
Wheat	150,000,000 bushels	150,000,000 bushels	200,000,000 bushels.
Feed grains	7,500,000 tons	7,500,000 tons	15,000,000 tons.
Cotton			3,000,000 bales.
Maximum acquisition price	None	None	None.
Minimum resale price:			
(a) Wheat	Producer option—no minimum price.	[2]	[2].
(b) Feed grains	At release date	[3]	[3].
(c) Soybeans		[4]	[4].
(d) Cotton		[5]	[5].
Reserve held by farmers		Farmers	CCC.
Provision for emergency release at prices other than above.	None	[6]	[6].
Expiration date		Permanent	

[1] When estimated consumption, including exports, exceed production by more than 10 percent, reserve levels under both reseal and in CCC reserves will be increased by 100,000,000 bushels of wheat, 7,500,000 tons of feed grains, 15,000,000 bushels of soybeans, and 1,000,000 bales of cotton.
[2] CCC stocks below above levels; parity price less 75 cents certified ($2.02 per bushel).
[3] CCC stocks below above levels; parity price less adjusted payment ($1.42 per bushel on corn.)
[4] CCC stocks below above levels; parity price $3.64 per bushel.
[5] Stocks below above levels; parity price 47.9 cents per pound (Upland Middling, 1 inch).
[6] In addition to minimum resale price, natural disaster, low production, military action would control release.

POLLUTION CONTROL PROGRAM—QUESTIONS AND ANSWERS

Mr. BOGGS. Mr. President, as we enter the decade of the seventies, President Nixon's proposals to Congress offer new hope in our fight against the destruction of our natural environment.

His message puts unprecedented emphasis on environmental needs which we have neglected and abused.

As the first step in the intensification of the campaign against dirty water, the President is asking for $4 billion in Federal funds to help finance a 4-year, $10 billion program for the construction of municipal waste treatment plants.

A total of $1 billion of Federal funds would be obligated for each of the 4 fiscal years beginning with fiscal 1971.

To help the cities and States finance the remainder of the $6 billion program, the President is proposing the establishment of an Environmental Financing Authority which will insure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds.

The President also is asking for major reforms in the formulas for awarding construction grants to make certain that financial aid for waste water treatment plant building will be more effective.

Another proposal would strengthen and broaden the enforcement authority in the Federal Water Pollution Control Act. For example, the President would provide fines of up to $10,000 a day for each day of violation, 180 days after notice of water quality standards violation, or following an enforcement conference notice of violation.

New provisions for an expanded and more flexible research program and wider distribution of new technical findings are other important aspects of President Nixon's package.

And to help States finance their own programs in such fields as monitoring, research and treatment plant inspection, the President would increase Federal operating grants to State pollution control enforcement agencies threefold, over the next 5 years—from $10 million now to $30 million in fiscal year 1975.

Our own needed actions are as clear as the waters are dirty.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of possible questions and answers concerning the President's water pollution control program.

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

LIST OF POSSIBLE QUESTIONS AND ANSWERS CONCERNING THE PRESIDENT'S WATER POLLUTION CONTROL PROGRAM

1. Question: How much contribution is the Federal Government making to the municipal waste treatment plant construction program?

Answer: The Federal Government will obligate $4 billion at the rate of $1 billion per year beginning in Fiscal Year 1975.

2. Question: Will there be sufficient funds?

Answer: Yes—The total costs (municipal waste treatment plants and interceptor sewers) have been projected from two sources and both total $10 billion. The first is the "Cost of Clean Water" study by FWPCA. Statistical analysis arrives at a figure of $10 billion, last updated in fall of 1969. The second is the list of projects furnished by the states: The 1969 total again is $10 billion.

3. Question: How does the new Federal clean waters financing work?

Answer: The President is seeking authorization for the full $4 billion in Fiscal Year 1971. The Secretary of the Interior will enter into contracts with municipalities for the construction of municipal waste treatment plants at the rate of $1 billion per year for the next four years. Reform in the present allocation formula is being sought. 60% of the total Federal monies for a given fiscal year will be allocated to the states in accordance with the existing allocation formula. 20% of the Federal funds will be allocated to those states with matching funding programs, thus insuring a positive incentive to states to contribute state financing. The remaining 20% of the Federal funds will be allocated by the Secretary of the Interior, according to regulations, to those areas of greatest need and where greatest water pollution control benefits can be realized.

4. Question: Is there a new *reallocation* formula?

Answer: Yes—Any unused funds will be reallocated more quickly—immediately after the Fiscal Year rather than 6 months later.

5. Question: Will the Department of the Interior continue reimbursing on the $814 million prefinanced by New York, Maryland and other states?

Answer: Yes, the Bill specifically continues and protects the eligibility of those states which prefinanced the cost of waste treatment plants, but no new reimbursables would be authorized after 1973.

6. Question: Why stop prefinancing at the end of Fiscal Year 1973?

Answer: Fiscal Year 1974 is projected as the last year of this effort, and it is reasonable to assume that further prefinancing will not be necessary at that time.

The Secretary of the Interior is being directed to conduct a study on future needs; and action thereafter will, of course, be based on that study.

7. Question: What will be done on basin cleanup?

Answer: There will be regulations, requiring the states to furnish us complete data on every basin—river basin or lake basin—within its jurisdiction. This information will be computerized in order to make a mathematical model. For the first time, it will be possible to really know what changes will occur from the siting of a proposed new industry, the building of a new sewage treatment plant, or the growth of population in an area.

8. Question: What are the plans for research and development?

Answer: Current programs will continue in 1970, 1971 and 1972.

9. Question: Will the training program for sewage treatment operators be continued?

Answer: Yes, it will not only be extended but expanded, for it does little good to build facilities and complete the task without preparation for operation. Appropriations for state programs including training will be:

[In millions of dollars]

Fiscal year 1971	12.5
Fiscal year 1972	15.0
Fiscal year 1973	20.0
Fiscal year 1974	25.0
Fiscal year 1975	30.0

10. Question: What are the plans for enforcement?

Answer: This breaks down into six main categories—

First—An expansion of Federal jurisdiction to all navigable waters and tributaries, both interstate and intrastate, to U.S. boundary waters, to interstate ground waters; and to waters of the contiguous zone.

Second—Directing the states to set local effluent requirements to augment and supplement their present water quality standards. If we are to enhance our water quality, we must control the local effluents going into that water.

Third—On enforcement conferences, the delay in going to court from a lengthy period of 16 to 18 months has been shortened to 6 months.

Fourth—The Department of the Interior has asked for right to file an immediate injunction in emergency matters.

Fifth—It has also asked for the right to levy fines on persistent polluters in the court proceedings, stemming from enforcement conferences and abatement proceedings.

Sixth—Full judicial procedures have been requested to make all actions truly viable.

11. Question: Why is ground water included?

Answer: Ground water is an integral part of our total water system—sooner or later, ground water becomes surface water and surface water is recharged to ground water.

If we are to protect a system, the entire system must be protected—not just parts of it.

12. Question: What kind of pollution control on the high seas is being sought?

Answer: That which originates in the United States—dumping and the like.

13. Question: What kind of pollution control is being attempted in the contiguous zone?

Answer: That which affects our territorial sea—or our beaches.

14. Question: What is different about the boundary water definition than now exists in the Act?

Answer: At the present time, it is practically impossible to enforce pollution abatement action in Lake Huron, Lake Ontario, St. Clair, Buffalo, Niagara and St. Lawrence Rivers and also the St. John and Presque Isle Rivers. Under the new definition, it would be possible to move in all of these waters, too.

15. Question: What is different about navigable and interstate waters than is in the present Act?

Answer: The present Act names both but then limits for all practical purposes to interstate waters alone—with very little tributary action.

The proposed definition of navigable and interstate waters of the United States, and tributaries, will give us the jurisdiction necessary to protect our investment in the Nation's waters.

16. Question: What new powers are proposed on enforcement conferences?

Answer: The first is the right to subpoena witnesses and documents.

The second is a shortened time to go to court.

The third is the right to levy judicial fines on persistent polluters.

17. Question: Why are fines needed?

Answer: In the case of a persistent polluter—who will not abate—a fine of up to $10,000 per day in addition to a court order to abate the pollution is believed to be a necessity. The court will be able to decide—on the evidence—the best way to protect our waters.

18. Question: Do these proposals Federalize the entire program?

Answer: This is not so. It is really a form of the President's New Federalism—

The communities put up their bonds and the Federal Government helps finance them.

The states set new local effluent controls.

The states enforce the complete standards and the Federal Government stands by to help.

The states enlist our aid in research and development.

The states get Federal assistance on Operator Training Programs.

The States are charged with the primary duties and responsibilities.

The Federal Government completes the picture with funds, financing, research, and back-up enforcement.

19. Question: What other water programs are there?

Answer: There are several including major legislation before the Congress. These are:

1. Research on urban water supply in Office of Water Resources Research.

2. Research into new techniques in desalting.

3. Geological and deep-well disposal research by Geological Survey.

4. Acid mine drainage research in Federal Water Pollution Control Administration, Office of Saline Water and Bureau of Mines.

5. And, an Estuarine and Coastal Zone Management bill now before the Congress.

20. Question: What does the President's new Executive Order on Federal facilities do?

Answer: The President's Executive Order on Federal facilities requires all Federal agencies to install necessary pollution control equipment by 1973. It requires precise effluent limits from Federal facilities in order to meet state standards. It prohibits Federal agencies from reprogramming appropriated monies and requires that these monies be spent for pollution control equipment. Most significantly, the President's budget contains sufficient funds to meet Federal agency requirements for pollution control by December 31, 1972.

21. Question: What will the Department of the Interior do to augment that Executive Order?

Answer: It has accumulating data on all Federal facilities and is preparing to move ahead in implementing the order. It will give priority to the critical areas of the country first—such as the Great Lakes and other sources of domestic water supply.

THE ST. LAWRENCE SEAWAY SEEKS HELP THAT IS BOTH PREMATURE AND UNFAIR TO THE TAXPAYER

Mr. TYDINGS. Mr. President, on February 17 the Special Subcommittee To Study Transportation on the St. Lawrence Seaway held a hearing on S. 3137, a bill which permits the Seaway Corporation to write off its debt of $148.3 million to the United States. I testified in opposition to the measure.

I pointed out that, unlike inland waterways developed by the Federal Government, the seaway possesses a toll system because it is an international waterway, whose construction was predicated on the condition that it would pay its own way. The seaway's position is thus unique. I stressed that, before consideration be given to eliminating the seaway's debt, a revision of tolls should take place, as provided for in the 1954 act authorizing the seaway. There is evidence suggesting that the demand here is inelastic and that tolls, while not insignificant, are not a determining factor in seaway traffic.

Were the bill enacted now, the debt cancellation would constitute a governmental subsidy to the seaway at the expense of the taxpayer. This is, at the present time, an unnecessary drain on the Treasury. It is also unfair to the Atlantic and gulf coast marine and rail competitors of the seaway.

I call attention to this bill and hope that other Senators will examine it closely.

Mr. President, I ask unanimous consent that my statement before the subcommittee be printed in the RECORD.

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

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee this morning and make some preliminary observations about S. 3137, a bill enabling the St. Lawrence Seaway Development Corporation to cancel its bonded indebtedness to the United States.

The St. Lawrence Seaway is without doubt a major engineering accomplishment. Bypassing rapids, the Seaway's channel and lock system lifts a ship 100 feet from the time it enters the Seaway at the mouth of the St. Lawrence in the Atlantic Ocean to the time it finally reaches Lake Superior. Built at a cost of approximately $500 million, the Seaway is a joint U.S.-Canadian navigation and power project. It symbolizes the mutual interests of two great nations and has undoubtedly stimulated the economic development of the Great Lakes region. Although at present unable to support regularly scheduled U.S. Flag vessel service, the Seaway is indeed entitled to its description as the "Fourth coast" of the United States.

Regrettably, the St. Lawrence Seaway has not lived up to the confident expectations of its advocates. The Seaway has never reached its maximum cargo load of 50 million tons a year and has been unable to finance its costs as required by the 1954 act creating the St. Lawrence Seaway Development Corporation. Total cargo for 1969 has been estimated at 40 million tons. This is a sharp decline from the 1968 total of 48 million tons. While the 1968 figure was above the 1967 total, it was below the peak of 49.2 million tons achieved in 1966. Moreover, the Corporation's debt as of December 31, 1968, amounted to $148.3 million. This is composed of $129.1 million in outstanding revenue bonds and $19.2 million in deferred interest. In the words of Robert B. Shaw, Associate Professor of Accounting and Finance at Clarkson College of Technology writing in the June 26, 1969, edition of the *Wall Street Journal*, the Seaway "as an economic entity . . . cannot be described as more than a limited success."

Reasons for the Seaway's disappointing record are not hard to find:

Limited port systems in comparison to Atlantic and Gulf facilities,

Reluctance on the part of shippers to change established trade patterns,

Inflated cargo forecasts,

A 27-foot channel depth that severely limits the size of ships able to use the Seaway,

Vigorous competition from the railroad and trucking industries,

The necessity for tolls *and* the failure to manipulate them properly,

The 14-day time in transit for a ship using the Seaway,

Locks that are 80 feet wide and thus prevent the new, larger ships from using the Seaway,

The high cost, generally of ship operations today:

Taken together, these help explain why the Seaway has been unable to meet its financial obligations. It must be clearly understood, however, that despite statements to the contrary, no single reason will suffice to explain the Seaway's apparent failure. In an economic system as large and complex as the St. Lawrence Seaway, simple cause and effect relationships do not exist. There is no one, sole reason why the Seaway has not lived up to expectations. Its disappointing record is the result of many interacting factors. To seek a single, simple explanation for the Seaway's troubles is thus not possible.

Considerable attention has been given to the requirement that the Seaway be self-supporting. Contention is made that this requirement unfairly discriminates against the Seaway for other inland waterway projects are not subjected to the burden of paying their own way. This is an important issue and merits our full attention.

I do not believe that the St. Lawrence Seaway suffers from unfair discrimination. In the first place the Seaway is not like other waterway projects developed by the Federal Government. In fact, it is not an inland waterway at all. It is an international waterway that at times lies totally outside of U.S. territory. Five of the eight locks are in Canada. As the 1954 report of the Senate Foreign Relations Committee noted, the Seaway's "true perspective is continental and its final results must inevitably be continental in their impact." (S. Rept. No. 441, 83rd Congress, 2nd session, pp. 23–25.) Moreover, the Seaway was not built by the Federal Government. It was a joint venture of the Americans and Canadians. The two governments shared the $500 million cost.

In the second place, the legislation authorizing the St. Lawrence Seaway Development Corporation was accepted by the Senate in 1954 on the basis that the Seaway would pay its own way. On January 13, 1954, Senator Alexander Wiley, one of the Seaway's most forceful advocates, upon calling up the Seaway legislation, summarized the five reasons why he felt it should be passed. The fourth reason was that "the project would pay for itself and the pending bill would not put an additional burden on the Treasury." The Foreign Relations Committee's report accompanying the legislation said the bill's terms were "based on the conviction that the revenues of the Corporation will permit it to amortize the principal and interest of debts and the obligations of the Corporation over a 50-year period." (S. Rept. No. 441, 83rd Congress, 2nd session, pp. 17–20.) Thus it was both clearly stated and understood that the St. Lawrence Seaway Development Corporation was to pay its own way. Another international waterway, the Panama Canal, is likewise obligated to be self-supporting.

The Seaway, therefore, does not suffer from unfair discrimination. Unlike the Houston Ship Channel and Delaware River Channel, which are not required to be self-sustaining, the Seaway is bound by law to meet its own financial obligations. This requirement exists because the St. Lawrence Seaway is unique. It is an international waterway whose construction was predicated on the condition that it would pay its own way.

S. 3137, if enacted, would repudiate the agreement by which the Senate accepted the 1954 legislation authorizing the St. Lawrence Seaway. Its passage would constitute a direct breach of faith by simply removing a basic condition under which the Seaway proposal was finally accepted. Additionally, approval of the bill would in effect provide a subsidy to the users of the Seaway at the expense of the general taxpayers and competitive modes of transportation. The bill provides a windfall to the St. Lawrence Development Corporation. This is in essence a subsidy for it relieves the Corporation of the need to repay the Treasury the money it owes. At the present time the Treasury Department has enough burdens without adding one which simply writes off a major investment of the United States.

The effects of S. 3137 are particularly important since the 1954 act provided for joint construction and operation of the Seaway with Canada. Both countries must agree to any revision of the tolls schedule and to the division of revenue. Each nation has a veto over proposed changes. Both countries, however, are free to manage their own investment as they see fit. Yet, passage of S. 3137 would affect the operating policies of the Development Corporation's Canadian counterpart, the St. Lawrence Seaway Authority. S. 3137 acts unilaterally, without consideration of this impact, when the basis of action in the past has always been cooperation and consultation with our Canadian partners.

Mr. Chairman, no Senator, regardless of the state he represents, takes delight in the present predicament of the St. Lawrence Seaway. The Seaway is in debt, yet the time for either apathy or blind opposition to measures designed to help is over. The St. Lawrence

Seaway is here to stay and all those who opposed it from the beginning must recognize this fact. Yet the economic realities confronting the Seaway must be faced. The Seaway is $148.3 million in debt.

Two methods of meeting this financial obligation have been advanced. The first is the approach taken by S. 3137. This confronts the Seaway's indebtedness by simply writing it off and letting the U.S. take the loss, although operation and maintenance costs would be borne by the corporation. At this time I am opposed to this approach, as I believe others are.

The second is the approach suggested by the 1954 act. This provides for revision of the toll schedule if the revenues produced are insufficient to pay off the Seaway's obligations. Toll revision should have taken place in 1966 but did not. Now toll revision should be permitted, as the act itself stipulates. Before a key element of the St. Lawrence Seaway legislation is *eliminated*, we should at least allow it to become operative, as provided for under the original statute, to prove itself, to see what the actual effect of a change in tolls would be.

Seaway proponents contend that revision means toll increases that would result simply in higher costs for a ship using the Seaway and thus actually decrease the Seaway's use. This reasoning is used by those who favor S. 3137. Yet a decline in Seaway traffic from revised tolls is by no means certain. The Seaway tolls, while not insignificant, may well constitute only a secondary item in the operating expenses of a modern cargo ship. In a recent report to the Canadian Authority, J. Kates and Associates noted this possibility. The Kates report held that the Seaway traffic was not particularly sensitive to existing tolls or moderate changes in them. The advantages of the Seaway outweighed the small portion of the shippers' transportation costs which tolls represent.

A similar conclusion was reached by a November 1965 Stanford Research Institute report which found that moderate changes in tolls would have little influence on projected tonnage estimates of traffic in the Seaway. Moreover, the instability of cargo levels during the past few years while toll rates have stayed the same is further evidence of the slight impact which tolls have on Seaway traffic.

Thus, the proper way to start meeting the financial obligations of the Seaway is through revising the toll schedule. This is the approach required by the 1954 legislation. It is an approach that has not yet been tried. It is an approach that, contrary to some thinking, should not result in decreased Seaway use. Before we simply write off a $148.3 million debt owed to the United States Government, as S. 3137 would have us do, the toll revision mechanism provided in the legislation authorizing the St. Lawrence Seaway must be given a chance. Once given a chance—and found inadequate—then a comprehensive review by Congress of the entire financial situation of the Seaway would be in order.

The debt of the Seaway might then be deferred, revised or stretched out. But until that time, until a revision of tolls has been clearly shown inadequate, legislation that cancels the bonded indebtedness of the St. Lawrence Seaway Corporation to the United States is unwarranted and unjustified.

Mr. Chairman, the issues raised by S. 3137 are both complex and controversial. The impact of the bill extends far beyond the Great Lakes Region. I would hope that the Subcommittee, before acting upon S. 3137, would hold further hearings in Washington and consider the views of the Department of State, the Treasury Department, the representatives of Atlantic and Gulf ports, other parties like interested railroad and trucking organizations, as well as the views of academic and professional experts in the fields of finance and transportation.

Mr. Chairman, that concludes my statement. Let me once again express my appreciation for the opportunity to testify this morning.

DEATH OF MAJ. GEN. GEORGE M. GELSTON, HEAD OF MARYLAND NATIONAL GUARD

Mr. MATHIAS. Mr. President, on February 17, the State of Maryland lost one of her finest and most compassionate citizens, Maj. Gen. George M. Gelston. General Gelston, a native of Ruxton, had served with distinction as adjutant general of Maryland and commander of the Maryland National Guard. He will be much missed by the public and by his personal friends. Our sympathy goes out to Mrs. Gelston and other members of his family.

In tribute to General Gelston, I ask unanimous consent that an article from yesterday's Washington Post be printed in the RECORD:

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

[From the Washington (D.C.) Post, Feb. 18, 1970]

MARYLAND GUARD COMMANDER DIES

(By Peter A. Jay)

Maj. Gen. George Morris Gelston, 57, head of the Maryland National Guard, died yesterday in a Chicago Hospital following complications from a heart ailment. He had been ill for several months.

As Maryland's adjutant general during more than five years of intermittent racial tension and four major mobilizations of the state's national guard, Gen. Gelston succeeded where others in similar situations failed: He kept the peace without bloodshed.

"Philosophically," the crewcut career soldier once told a legislative committee pushing a shoot-to-kill policy, "I am somewhat opposed to using American troops to kill American citizens."

Though this philosophy frequently made Gen. Gelston the target of angry abuse from some of those citizens, he saw to it that his troops never loaded their weapons while helping to quell disturbances and outbreaks of rioting in Baltimore, Cambridge and Salisbury.

One man was shot and killed by police in the Baltimore disorders that followed the 1968 assassination of Dr. Martin Luther King Jr. Under Gen. Gelston's command, however Maryland guardsmen have never fired a shot while mobilized or seriously injured a civilian.

The state's record, as subsequent investigations made clear, was in sharp contrast to police and military performances elsewhere.

In the Detroit riot of 1967, for example, many of the 43 confirmed deaths were ultimately attributed to uncontrolled gunfire by nervous reserve troops. Property damage was five times that suffered by Baltimore.

If Gen. Gelston believed in restraint, he also believed in fast responses to potentially dangerous situations. He was quick to put guardsmen on the street when trouble threatened, often as a buffer between angry blacks and equally angry white civilians or white police, and quick to use gas to disperse the crowd.

"You won't find a greater proponent of gas than I am," he told an interviewer in 1967 after using it several times in Cambridge. "It cleared the whole ——— crowd at once," he said, ". . . and there were no dead people to embarrass us."

The general, a native of Ruxton, Md., and a resident of Baltimore County for much of his life, attended St. John's College in Annapolis.

After entering officer candidate school at the outbreak of World War II, he became an Army liaison pilot and served in Europe—receiving two battle stars—until the end of the war.

He remained in reserve status, and became commanding officer of the Maryland National Guard's headquarters detachment in 1960, assistant adjutant general in 1963 and adjutant general three years later—winning a simultaneous promotion to major general.

For several months in 1966, Gen. Gelston served as Baltimore City's acting police commissioner. He has won about two dozen awards, including citations from the American Civil Liberties Union, the Baltimore Afro-American newspaper and the Maryland Council of Churches.

A spit-and-polish professional soldier, Gen. Gelston could be found, when not in uniform, in natty civilian clothes under the most trying of circumstances.

A reporter in Salisbury during the disorders there in 1968, remembers seeing him in a sports jacket and turtleneck sweater, sporting a peace medallion he said he had bought at a Negro civil rights rally. "Some kid hustled me for five bucks for it," he said.

Though he kept his own ideological views to himself, despite persistent questioning from reporters eager to know what he really believed about civil rights and civil disorders, Gen. Gelston saw it as only professional to keep his intelligence lines open to all sides in situations of racial trouble.

He kept in close touch with civil rights leaders as well as police officials and with militants as well as moderates, a practice he said not only kept him informed but helped him to spot potential troublemakers early in a riot situation.

Despite his professionalism and his effectiveness, Gen. Gelston is likely to be remembered most for his forbearance and his humanity.

"I am not going to order a man to be killed for stealing a six-pack of beer or a television set," he told the President's Commission on Civil Disorders in 1967.

As Baltimore writer Garry Wills described him in a book on racial polarization in America, Gen. Gelston was "an extraordinarily compassionate cop."

Survivors include his wife, Jean, of Lutherville; a son, Hugh, of North Carolina, and two daughters, Susan and Ann, both of Lutherville.

ENVIRONMENTAL CONTROL

Mr. SCHWEIKER. Mr. President, yesterday the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), introduced seven bills, on behalf of President Nixon, which incorporate the proposals embodied in the President's message to Congress last week on the environment. I am proud to be a cosponsor of this program and all seven bills.

I am pleased that Senator SCOTT will be leading the effort in Congress to adopt the President's progressive program to clean up our environment. He has shown outstanding leadership in the field of conservation in Pennsylvania, just as he has shown outstanding leadership qualities in the Senate, and will make a great contribution to America through these new efforts.

Mr. President, the minority leader spoke on these issues yesterday in a speech to the National Wildlife Conference, when he reiterated the seriousness of the President's commitment to solving our environmental problems, both rural and urban. This was an outstanding address by my senior colleague from Pennsylvania, which I would like to share with all my colleagues, and I request that it be printed in the RECORD at this time.

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

ADDRESS BY SENATOR SCOTT

It is interesting to consider that this group contains the leaders of a body of citizens who were among the first to grasp the implications of environment pollution.

From this thinking of "food, cover and water" for wild things, the National Wildlife Federation moved naturally and easily into terms of habitat for living things—*all* living things. And habitat for living is, of course, what we mean by "the total environment."

The wildlife and fishery biologists recognized clearly that a quail, a deer, a bass or a tarpon was a product of its habitat. They learned that a species required certain components for survival: the proper food, clean water, a shelter, a place where it could breed, raise young, find a sort of elemental security.

How long ago did we learn this? And how recently have we begun to apply the same reasoning to the species called Homo *sapiens?*

You have played a *very* great role in being the communicators. It is not amiss, I think, to call the National Wildlife Federation by the noble title of "Keepers of the Environmental Conscience." For you consciously moved from hunting, fishing, birdwatching and wildlife concentration to an open attack upon the elements that were destroying the environment in which we all live. You marked the sparrow's fall—and traced it back to environmental destruction.

I'm proud to be able to report to you here how seriously the President views this matter.

He is determined to give leadership, not just when it is a popular issue, but over the long haul when it will count.

Today I will introduce in the Senate a package of bills to implement the President's historic Environmental Message.

The President justifiably called it "the most comprehensive and costly program in this field in America's history."

"The time has come," he said, "when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future."

Because of your wide concern for the total environment, the entire 37 point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order is of utmost importance to you.

I would like, however, to elaborate now on the proposed Parks and Recreation legislation and how it will effect fish and wildlife.

The President called, you remember, for full funding of the $327 million available under the Land and Water Conservation Fund. That "full funding" means more cash with which to acquire habitat for endangered wildlife, to expand recreation areas, to help develop access to open water and land, and to protect valued acreage from crass exploitation.

Funding is desperately needed. It is most definitely a question of "now or never."

By Executive Order, the heads of all Federal Services and the Administrator of General Services are to institute a review of all federally-owned real properties that should be considered for other uses.

He established a Property Review Board to review GSA reports and recommend what properties should be converted or sold. Proposed legislation would establish, for the first time, a program for relocating Federal installations that occupy sites better used for other purposes.

The central idea behind this review of all "Federally owned real estate" is to decide if lands now isolated for single purposes—or outdated purposes—could be opened to public recreation: hunting, fishing, hiking, or simple meditation beneath an open sky. This was a significant advance.

Military land is a good example of how we have wasted good land uses. They are not being managed for wildlife, in most instances; they do not offer recreational opportunities, or offer them only in a straightjacket of limitations.

Coastal areas fall into this category: islands and estuaries and marshes that are vital to better handling of our coastal zones.

Many of the works along our great rivers contain lands that might well be opened up for more public use and more wildlife habitat. The Corps of Engineers has installations along most major streams.

Most significant in this connection is the proposal for a revision of Federal procedures to encourage agencies to relinquish this territory.

This would remove the penalty now imposed for moving from one site to another. Funds for the cost of relocation are provided and would come in part from the sales of surplus properties.

Most of you sitting here can cite examples of Federal real estate that could be put to more productive uses. In the West, for instance, public lands could be developed for big and small game, for other recreational pastimes, and for protection of watersheds.

We must understand that protection of these spaces serves to help our water supply, our land *and* habitat for wildlife and fish, all in the same action.

The President has called for better budgeting to insure there is no yearly ebb and flow of funds for long-range programs—as environmental programs are all long-range. The great Federal Departments are now charged with studies of how to use their properties more efficiently, more cleanly and for more people.

And—very importantly, I think—he called for assistance to State and local governments that want to make better recreational use of idled farmlands.

We can, it seems to me, do more with the small watershed projects. These are not large areas in themselves, but vital units for upland game, fish, waterfowl, and recreation. Some State wildlife agencies are working here now, but are limited by available funds.

Symbolic of the President's determination to make the Federal Government responsible to the needs of smaller governments is the proposal that the Department of the Interior be permitted to convey surplus real property for park and recreation purposes at a public benefit discount ranging up to 100 percent.

Current law requires such sales at a 50 percent discount rate. We have nibbled at these ideas, talked about them, but really carried few projects out to the benefit of the greatest number of people—and of wildlife and trees and watersheds.

Instead of simply paying each year to keep this land idle, the Federal Government should help local governments buy selected parcels of it to provide recreational facilities.

A program of long-term contracts with private farm owners providing for its reforestation and public use is proposed.

Clearly, if this massive package is enacted, a corner will have been turned in terms of wildlife enhancement, with its base in the rural areas, the small towns, the open countryside we so sorely need.

There is another theme in which we must work together on: the urban needs of those who do not have the knowledge, the opportunity or the dollars to get out into the wildlife refuges, the great parks.

We must tackle now our urban environment, not only because it is part of our national environment, but because we who understand habitat know that all of this fits together into a world habitat. That which destroys one part breaks the whole linkage.

Most of us live in cities today. Most of our industrial pollution, our garbage comes from the cities; most of our estuarine and marine poison has spread from the great ports.

Let me ask you to use your intuition for decent habitat in helping the city masses to understand environment. The Federation has played its great role in awakening the public. Your magazines, *National Wildlife* and *Ranger Rick*, are geared to the task.

I know that your professional leaders, Tom Kimball and his staff, are working now with problems of physical and social pollution. We need the rest of you, too, with your broad understanding broadened yet further.

We are all in this pollution mess together. Now our job is to work together on the project of turning back the poisoned tide.

To borrow a slogan: "It's a matter of life and breath."

THE REGIONAL ASPECTS OF THE CRIME CRISIS IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, during the past few weeks the Committee on the District of Columbia has examined the regional aspects of the crime crisis in the National Capital area.

Our study confirmed that residents of the Maryland suburbs do have an important stake in the war against crime in Washington.

The testimony of officials from Prince Georges and Montgomery Counties revealed that a disproportionate amount of the serious crime in their jurisdictions is committed by residents of the National Capital.

During a recent 8-month period, for example, 63 percent of all the robbery suspects arrested in Prince Georges County resided in Washington.

I believe that our hearings revealed, beyond the shadow of a doubt, that Maryland residents are affected by the criminal activity in Washington.

The interjurisdictional nature of the crime problem was underscored in a recent editorial in the Laurel News Leader in Prince Georges County. I believe this editorial demonstrates a definitive understanding of this most vital problem.

I ask that this editorial entitled "Why Does D.C. Crime Affect Us?" be printed at this point in the RECORD.

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

[From the Laurel (Md.) News Leader, Jan. 22, 1970]

WHY DOES D.C. CRIME CONCERN US?

Why should the people of Prince George's County be concerned about crime in the District of Columbia? The answers are chilling, and crystal-clear, in testimony by Commis-

sioner Francis B. Francois before Senator Joseph D. Tydings' Senate District Committee January 20.

Francois is vice chairman of the Prince George's County Board of Commissioners, and immediate past chairman of the Board of the Metropolitan Washington Council of Governments. He told the Senate District Committee:

The people of Prince George's County are involved economically with the region's crime problem. He said area housewives "are passing up the opportunity to shop at a more completely stocked main store downtown, to avoid coming into what they believe is an unsafe city. The drop in downtown restaurant and theater business after dark is dollars-and-cents testimony to these public attitudes."

District-based criminals prey on the people of Prince George's, Montgomery, and Fairfax counties. "Six jurisdictions have already authorized their officials to enter into a police mutual aid agreement, which will allow police to cross city and county lines when requested by neighboring jurisdictions."

Prince George's County has already granted such authorization.

Francois supports "an areawide effort against drug abuse (which) has been begun by the local governments working together through the Council of Governments. We are hopeful that this program, which ties together the work of all public and private agencies in the area, and is built on a massive public education program, will be a major factor in reducing crime."

The commissioner called for "an effective system of criminal justice which deals fairly and immediately with people who violate the laws of our society. We don't have that system now."

He complimented the "encouraging trend toward rehabilitation in our penal institutions." He commended Senator Tydings' "own efforts, especially in your two years as chairman of this committee."

Sen. Tydings will chair more hearings about regional crime on Feb. 3. Recently he asked the attorney general to create a federal anti-crime task force to combat the escalating crime crisis in the Washington area.

The Maryland senator said the strike force is necessary to stop crimes which "continuously plague the residents of this area without regard to jurisdictional lines."

Sen. Tydings said in a statement: "I am greatly concerned about the interrelationship of crime in the National Capital and crime in the suburban jurisdictions of Maryland and Virginia. A high percentage of the serious crime in the suburbs, particularly Prince George's and Montgomery Counties, is committed by criminals crossing the line from Washington."

Sen. Tydings asserts: "The crime spillover problem is especially critical in such areas as narcotics traffic, robbery, burglary and organized theft. Law enforcement officials from Prince George's and Montgomery Counties have testified that nearly all of the narcotics flowing into their counties come directly out of Washington."

"During a recent eight-month period, 63% of the suspects arrested for robbery by Prince George's County Police resided in the National capital," Tydings said. "During three recent months, police cleared scarcely better than five percent of the armed robberies committed in Washington."

"A logical target" for the strike force, Tydings said, "would be a burglary ring that hits businesses in Prince George's or Montgomery Counties and sells its take to fences in Washington."

"I am confident we can conquer the regional crime crisis if we meet it head-on with all of our resources and resourcefulness," Tydings told the Attorney General.

Why should the people of Prince George's County be concerned about crime in the District of Columbia? More answers are forthcoming at the Feb. 3 hearings, according to Commissioner Francois and Sen. Tydings.

THE ABM PROJECT

Mr. FULBRIGHT. Mr. President, in connection with President Nixon's recent announcement that he intends to proceed with the second phase of the Safeguard ABM system, I thought that my colleagues might be interested in the remarks made by the Canadian Prime Minister and the Canadian Foreign Minister in the Canadian Parliament on this subject. Prime Minister Trudeau told Parliament that he was not happy to see the ABM project proceed and also said that there had been no consultation with the Canadian Government before the President's announcement. The Canadian Secretary of State for External Affairs, the Honorable Mitchell Sharp, also said that the American decision had been made "quite independently of any consultation with us."

I ask unanimous consent that the "Common Debates" of February 2, 1970, be printed in the RECORD at this point.

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

U.S. ABM SYSTEM—INQUIRY AS TO CANADIAN DECISION

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): I wish to direct a question to the Prime Minister. It arises out of a statement by President Nixon that his administration now proposes to proceed with the second stage of the Safeguard ABM system. In view of the Prime Minister's statement of March 19 last that the Canadian government was reviewing the matter and would decide very soon whether they would condemn this ABM program or co-operate with it, I ask the Prime Minister whether the government has now reached a decision, whether it has conveyed any protest to the United States, against the ABM system or whether it has indicated its intention of co-operating with them in the construction of the Safeguard system?

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, the House will recall that on that occasion we were concerned that the announcement by the United States of America would create an escalation of the arms race. I must say that to date our evidence has not shown that this has resulted. Therefore our main concern at that time does not appear to have been well founded thus far.

This does not mean that on over-all grounds we are happy to see the project proceed. As far as we are concerned, we have no deterrent to protect on our soil. However, insofar, as it is important to protect not the deterrent but the civilian population, we feel—and I understand the fear felt by the United States is mostly coming from an Oriental direction—that our own approach to the People's Republic of China the negotiations going on in Stockholm are certainly a better way in the long run to protect the world from war than is a continuance of the arms race.

Some hon. Members: Hear, hear.

Mr. Douglas (Nanaimo-Cowichan-The Islands): In view of the fact that, as majority leader Mike Mansfield has said, this program will cost over $50 billion, which in itself is an escalation of the arms race, may I ask the Prime Minister whether we are to take his response as meaning that the Canadian government has now decided that this does not constitute any peril to the future peace of the world, and that the Canadian government does not propose to make any protest whatsoever with respect to the second phase of the Safeguard system being proceeded with?

Mr. Trudeau: I am afraid the hon. member has unintentionally misinterpreted my statement. It seems to me, on the contrary, that there was some form of protest in what I said; if the hon. member prefers to look at it otherwise, that is up to him. So far as the figure produced by Senator Mansfield is concerned, we only heard it this morning on the news and we have not had an opportunity to look into it. I also take issue with the hon. member's logic. When we talk of escalation we talk of escalation between countries rather than in terms of dollars and cents spent in one country. When we were answering this question last spring, it had to do with the danger of a decision by the United States resulting in a decision by the Soviet Union which would lead to a series of escalations. We have not seen this follow from the original United States decision. The Canadian government remains rather unhappy, however, that a friend and ally of such importance should be seeing its way to peace in this direction rather than in the direction I have just mentioned.

Mr. Douglas (Nanaimo-Cowichan-The Islands): May I ask the Prime Minister whether any member of the cabinet is at the present time carrying on any negotiations or discussions with the United States authorities with respect to the extension of the Safeguard system? If so, which ministers are concerned and what is the purpose of those discussions?

Mr. Trudeau: There has been no consultation on this item of news, which we learned about only this morning. To answer the hon. gentleman, there has been no consultation and there is no minister engaged in consultation. We have not, since this morning, made any decision.

Mr. J. M. Forrestall (Dartmouth-Halifax East): May I direct this supplementary question to the Secretary of State for External Affairs? Are we to infer from the reply just given that the presidential announcement in the United States does not involve any cooperation on the part of Canada whatsoever?

Hon. Mitchell Sharp (Secretary of State for External Affairs): I can certainly give that assurance. This decision by the United States was made quite independently of any consultation with us.

PROPOSED U.S. NUCLEAR TESTS

Mr. Mark Rose (Fraser Valley West): My supplementary question is also directed to the Secretary of State for External Affairs. In view of the announcment by the United States that further atomic explosions are to be set off in the Aleutians, reportedly three times as powerful as the one last October, does the Canadian government plan to make any formal protest regarding the continuation of these tests so close to Canada?

Hon. Mitchell Sharp (Secretary of State for External Affairs): With regard to this item also may I say I have just read the bulletin in which the announcement appeared. Again, this announcement by the United States was not made after any consultation with us. In the course of the announcement the United States authorities said they had no reason to fear, on the basis of the tests made on Amchitka Island earlier, that there would be any untoward effects—for example, the creation of an earthquake or a tidal wave. They are sat-

isfied in this regard on the basis of previous tests. We have not had the opportunity of seeing the results of those tests yet and therefore we have had no opportunity to decide whether to make a formal protest this time as we did before.

LINDA ROCKEY RECEIVES JOURNALISM AWARD

Mr. PERCY. Mr. President, last April, the Chicago Sun-Times carried an excellent series of articles detailing the problem of hunger in Chicago. These articles were so revealing that they were compiled into a booklet for general distribution, "Hunger in Chicago," and subsequently utilized as source material for the White House Conference on Food, Nutrition, and Health.

The author of this series, Mrs. Linda Rockey, has recently been awarded the Jacob Scher Award for outstanding investigative reporting for her work. This award is sponsored by the Theta Sigma Phi professional journalism society for women.

I have read and studied "Hunger in Chicago." The description of the effect of hunger on schoolchildren and our elderly and of the bureaucratic obstacles involved in implementing food programs have contributed to my understanding of the problem of hunger. They have been valuable resources in my work on the Select Committee on Nutrition and Human Needs.

I commend Mrs. Rockey for her fine reporting. She has made a great contribution to delineating the complexities of hunger and malnutrition in this Nation.

Through her efforts, an American public is better informed and public officials, including legislatures at the Federal, State and local level, must now be compelled to act.

A MUTUAL CEASE-FIRE

Mr. MOSS. Mr. President, so much has been said in this place about Vietnam that when something valuable is said, most of us are not listening. The ever vigilant Deseret News, however, in a thoughtful editorial, performed a "rescue operation" on a resolution by Senator MONDALE that most of us missed when it was first offered. I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

[From the Deseret News, Saturday, Feb. 7, 1970]

FOR PEACE, HOW ABOUT A VIET CEASE-FIRE?

One test of a good idea is that it seems so simple and obvious it's surprising that something wasn't done about it long ago.

By that test, the resolution that Sen. Walter F. Mondale of Minnesota presented to the Senate Foreign Relations Committee the other day on bringing peace to Vietnam looks like an eminently fine idea.

But the best ideas don't necessarily command the most attention, and the Mondale resolution seems to be in need of a rescue operation if it is to win the support necessary for its success.

Briefly, the Mondale resolution goes like this:

"Whereas, the United States has not formally proposed for negotiation at the Paris Peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and military settlement in Vietnam; and . . .

"Whereas, such a proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

"Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all US. forces, and release for constructive purposes the enormous resources new being expended on the war;

"Now, therefore, be it resolved that the Senate urges the U.S. government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides . . ."

Simple? Well, not entirely. Setting up the supervisory machinery seems bound to generate a lot of haggling, since whoever controls that machinery controls the future of Vietnam. Accepting the status quo would amount to North Vietnam's admitting defeat. Moreover, assuring self-determination is still no easy matter in a land that has known only martial law for years and autocracy before that.

But certainly the Mondale resolution seems more realistic than the remote hope that the war will just fade away without a negotiated settlement.

Certainly a cease-fire could bring all U.S. forces—not just combat troops—home much faster than "Vietnamization" of the conflict alone.

Indeed, Vietnamization alone may simply perpetuate the slaughter, with South Vietnamese deaths being substituted for American deaths.

Will North Vietnam accept a cease-fire? If not, surely the enemy's refusal can be used against him in the battle for free men's minds. But let's not take a rejection for granted. As Sen. Mondale observes:

"Only when we move our offers from the realm of publicity to the realm of true diplomacy can we say with any certainty what the other side's response will be."

Mr. MOSS. As the Deseret News observes, it is long past time to get the Paris peace talks moving.

The United States should make a genuine proposal for a mutual cease-fire. Such a proposal should contain detailed provisions for international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces, and prompt free elections.

Most Americans will be surprised to learn that the United States has never made such a commonsense proposal for a mutual cease-fire. The North Vietnamese may reject it, but at least we should make the sincere offer.

Surely a negotiated settlement is much preferable to the endless agony of Vietnamization. As the Deseret News says:

Vietnamization alone may simply perpetuate the slaughter with South Vietnamese deaths being substituted for American deaths.

Vietnamization is really no more than a military solution by proxy.

To encourage our Paris delegation to propose a mutual cease-fire, I am joining Senator MONDALE in cosponsoring Senate Resolution 351.

THE DANGER OF ISOLATION

Mr. McGEE. Mr. President, is there a danger that history might repeat itself and that this world might yet be plunged one day into another massive war—maybe even a conventional war which eschews the horrors of nuclear power but utilizes great land armies and navys? Could the new wave of isolationism so rampant in America today lead to a withdrawal of the United States from Europe and Asia, leaving those crucial continents naked to aggression, and with the balance of powers upset so that a potential aggressor might be tempted to march?

These questions, Mr. President, cannot, of course, be answered with any certainty. But they are questions posed honestly by some who are upset with the international picture in both Europe and Asia today. Yesterday, columnist David Lawrence explored these questions in a column entitled, "Isolationism May Be Danger Again," which appeared in the Evening Star of Washington. I ask unanimous consent that the column be printed in the RECORD.

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

ISOLATIONISM MAY BE DANGER AGAIN

(By David Lawrence)

What should the policy of the United States be toward defending the peoples of Asia and Europe against aggression?

President Nixon would naturally not wish to discuss such delicate subjects in detail and deal in advance with the numerous contingencies that might arise. For U.S. policy will be made not by presidential speeches or by pronouncements by a committee of Congress. Everything will depend upon the nature of the emergency and the extent to which the defense of this country is actually involved.

Most people—even many in government here—don't like to look at the realistic picture in either Europe or Asia today. The truth is there now is no standing army which can match that of the Soviet Union. Reliance on the nuclear bomb has become a fact of international life.

For this reason the European countries have practically given up the idea of spending large sums for defense. They have been assuming that the United States would take care of the principal obligations of the North Atlantic Treaty Organization in the future and that it would immediately come to the aid of the smaller countries of Asia.

The American people, on the other hand, as a result of their experience in Vietnam, are not enthusiastic about sending an army of 500,000 or more troops into a foreign land to defend a country which is the victim of aggression. Inevitably the question then is asked: "What about collective defense under the U.N. Charter?"

There is at present no sign that the European or Asian peoples are willing to get together themselves to set up defense forces that would lighten the load for the United States.

So utterances by U.S. officials indicating a lack of interest in further missions like the one in Vietnam are bound to have an impact on the world situation. European gov-

ernments are already aware that the United States will not maintain a large force to support NATO, and the Asians know that a big U.S. military establishment can hardly be stationed in their lands to guard their area.

For many years now the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union. In recent months, the Communists in Moscow have indicated a readiness to talk about the limitation of strategic arms. Thus far, this seems to mean only a desire to prevent other nations from obtaining nuclear armaments. There is no evidence of a desire to prohibit the use of nuclear weapons.

But suppose the Kremlin decides to avoid the nuclear problem and depend solely on conventional forces? The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has really retreated from Europe and Asia.

The Russians have been steadily increasing their naval strength in the Mediterranean, and have shown themselves ready to support Egypt and the Arab countries in their fight against Israel. There are as yet no signs that the Russians wish to let the Middle East conflict grow into a world crisis, but the situation could change at any time.

The big question for the 1970s is what the effect is going to be of a U.S. withdrawal of its military power from both Europe and Asia. What will be the consequences to the peoples there when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

The time may come when the "isolationism" which is so popular today—and which was espoused prior to World War I and prior to World War II—will turn out to be dangerous again. For the Communists are not likely to be content to confine their imperialism to Europe and Asia, but will extend it intensively to Mexico and other countries in Latin America.

Ever since the Monroe Doctrine was proclaimed, it has been recognized that the United States had a duty to protect the nations of this hemisphere, and since World War II the principle of collective defense of Europe and Asia has been widely accepted. Now these concepts have deteriorated, and this constitutes the real danger in international relations in the 1970s.

EXTENSION OF THE BAN ON BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, last November the President issued his widely acclaimed renunciation of biological warfare and declared that the United States would never be the first nation to employ lethal or incapacitating chemical weapons. At the same time the President stated his intention to submit the 1925 Geneva Protocol to the Senate. Together with many of my colleagues I congratulated the President on those historic actions.

This past Friday the President took yet another significant step to reduce further the peril posed by the production of chemical and biological weapons. I refer to his extension of the ban on biological weapons to include all toxins regardless of their method of production. To me this represented a reaffirmation of the basic spirit and purposes of the President's earlier decision—to strengthen existing barriers and restraints which reduce the risk of chemical and biological warfare, and to take advantage of these opportunities available to us to contribute to the eventual total elimination of such weapons.

As I reiterate my admiration for those actions already taken by the President, I also wish to express my firm belief that as he faces other decisions involving chemical warfare the President can count on strong support in the Senate and in the Nation for his continued leadership in broadening and strengthening the Geneva Protocol.

EXTENSION OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. PERCY. Mr. President, on Monday the Senate adopted the resolution to extend and to fund the Select Committee on Nutrition and Human Needs. As a member of that committee gravely concerned about the problem of hunger and malnutrition in our affluent Nation, I am gratified by the support demonstrated for its continuation.

As the distinguished Senator from Louisiana (Mr. ELLENDER) indicated, I stated last year that the Select Committee on Nutrition should not continue indefinitely. Its functions should be absorbed by the proper existing committees and agencies.

I still adhere to this position. Investigations, hearings, talk must be superseded by concrete action to eliminate hunger and malnutrition—action which the select committee cannot undertake itself. But it became increasingly evident to me that the committee's activities should not be curtailed this year.

Dr. John Mayer, the special assistant to the President who directed the White House Conference on Food, Nutrition, and Health, boldly stated that it would be a shame if the hunger committee were dissolved this year. He felt that the committee could continue to contribute to finding and combating the causes of poverty and hunger.

A review of what the Nutrition Committee has accomplished and what it has not had an opportunity to explore substantiates Dr. Mayer's view.

Over the past year, the select committee has delved into such subjects as the extent of malnutrition in the United States, poverty related hunger, the operation of existing food programs, and the role of private industry in the area of nutrition. We did not, however, have time to consider income maintenance programs as a solution to hunger, health problems generated by malnutrition, and the many recommendations of the White House Conference.

I am pleased that we will now have the opportunity to continue our investigations in the hope that our bipartisan efforts will help eliminate poverty and hunger from our society.

SENATE RESOLUTION 359—TO CREATE A SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Mondale resolution now at the desk be called up and be given immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk proceeded to read the resolution.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senate will proceed to its consideration.

Mr. MONDALE. Mr. President, I send to the desk the resolution just reported, with certain modifications.

One modification states that the at-large members of the committee will be selected in the same manner as the members of other committees—through the steering committee process. The second modification strikes subsection (c) which provides funding.

The first is a technical amendment which simply clarifies what I thought the resolution provided. The second modification or amendment relates to a proposed budget to be presented to the Committee on Rules and Administration in the normal process.

I am glad to see that the chairman of the Committee on Rules and Administration is present.

The PRESIDING OFFICER. Will the Senator send the amendments to the desk?

Mr. MONDALE. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. MONDALE. I ask unanimous consent that their reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, the amendments will be agreed to en bloc.

The amendments agreed to en bloc are:

On page 2, line 1, after the word "committees", to insert: "to be appointed in the same manner as the chairman and members of the standing committees,"

On page 3, to strike out lines 11 through 14, as follows:

"(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee."

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JORDAN of North Carolina. As the Senator knows, it is customary for a resolution to be sent directly to the Committee on Rules and Administration. We do not like to have a resolution presented and agreed to on the floor without the committee having had a chance to look it over.

I appreciate the cooperation of the Senator in striking out section (c). It meets my objection.

Mr. MONDALE. Mr. President, I thank the Senator from North Carolina. I called the Senator personally this morning to express my embarrassment about the way this matter arose.

Last night we hoped to act on this essential proposal in the form of a statutory enactment. Objection was heard on the ground that this would be an un-

usual procedure. I think that it does have some precedent. In any event, it is an unusual way to establish a committee.

So on the spur of the moment we withdrew the statutory proposal. We had not had a chance to discuss the matter with the distinguished chairman.

I am glad that, with this modification, the resolution is acceptable to the chairman.

I gather that once the committee is established, it would draw up a proposed budget which would then go before the Rules and Administration Committee.

Mr. JORDAN of North Carolina. The Senator is correct. Would the Senator care to make one additional commitment to the effect that this committee would, in fact, end at the time stated in the resolution.

Mr. MONDALE. Well, as we mentioned earlier in private discussion, the committee would expire at the time stated in the resolution.

I gather that what the chairman wishes from me is a response that that is what we intend to do and that we will not come back again to the committee.

It is our objective and hope that the select committee be established in the very near future so that it will be able to act and come back with recommendations quickly. I would hope that it would complete its business within the time frame mentioned.

One point I would make is that it is a tight time frame. I would hope that the Rules and Administration Committee could act quickly on the proposed budget, so that the committee could proceed with its business.

Mr. JORDAN of North Carolina. I can assure the Senator that we will do that as quickly as we can get a quorum. That would probably be next week. However, I am not sure about that. We will make every effort to expedite the matter.

The reason I made the request is that we have had committees set up for a period of 6 months; then they come back with a request that the committee be extended for another year.

We would like to have some idea as to whether the committee can complete its business within the time frame mentioned and then quit.

With that assurance, I have no objection.

Mr. MONDALE. Mr. President, I ask that the resolution be agreed to.

Mr. BYRD of West Virginia. Mr. President, I note no provision in the bill which indicates the method by which the 15 members of the select committee would be chosen. From listening to the able Senator as he spoke on the meaning of the two amendments, I gather that the first amendment he has offered is intended to clarify this matter. I am not sure I fully understand how the 15 members of the select committee to be established by this resolution would be selected.

Mr. MONDALE. The select committee would be broken down in three categories.

Mr. BYRD of West Virginia. Who would determine the selection, the President pro tempore, the Vice President, or the Democratic and Republican steering committees?

Mr. MONDALE. Five would be selected by the Committee on Labor and Public Welfare, five by the Judiciary Committee, and the five at-large members would be selected in the normal steering committee process. That is the intention of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MONDALE. Mr. President, this morning there was a very perceptive and moving editorial that was published in the New York Times, written by Tom Wicker.

The editorial expresses the deep sense of dismay, which I share along with many others, about the meaning of the action taken yesterday by the Senate and its significance for the future of this Nation. I hope and believe this is a country in which we seek to live together as Americans, rather than to be divided on the utterly irrelevant, disruptive, and undemocratic grounds of race and color.

I do not know what the politics of human rights is today. I suspect it is less popular than it has been for many years.

I sense a feeling of agony, frustration, and despair which generates a sense of antagonism and separatism that we have not seen in this country for a long time.

I do not know where it will take us. But I do know this. I in no way intend to reduce my efforts or my commitments to the cause of a country in which color is irrelevant. I do not think we can have a democracy that is not color blind.

I was brought up by my father in a family which believed that everyone was a child of God and was entitled to the dignity that flowed from that concept. I was taught that a man's color was irrelevant.

I will continue to press this cause, because unless we can sustain it, the promise of America will be lost.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

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

[From the New York Times, Feb. 19, 1970]

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, Feb. 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday, gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middle-class jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation; despite the empty rhetoric of the Nixon Administration about "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt; a moral debt that was soon found to be beyond the country's capacity to pay, given the undeveloped state of its moral resources at the time." For eighty years thereafter, Mr. Woodward pointed out, the nation simply defaulted until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

That is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once again, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

Mr. JAVITS. Mr. President, I do not wish to delay the passage of the resolution in which I have the great honor to join with the distinguished Senator from Minnesota.

I think the purpose of the resolution is admirable and that it will produce the results the Senate hopes for, both those for and against—namely, how we can best come together to assure equal opportunity everywhere.

I am very pleased to see that the distinguished majority leader and the distinguished deputy minority leader have cooperated in allowing the matter to come up at this time.

Mr. PERCY. Mr. President, I would like to indicate my support for the measure. I believe that it is a very worthwhile step which is being taken. However, I would like to give the minority leadership an opportunity to respond.

Mr. HARRIS. Mr. President, today I will vote for the resolution offered by the distinguished Senator from Minnesota (Mr. MONDALE) and the distingished Senator from New York (Mr. JAVITS), of which I am a cosponsor.

The Mondale-Javits resolution takes cognizance of the deep and profound questions which are on all our minds about the future of our national educational system, and proposes a constructive way to begin to develop an approach which will be consistent with the needs of all our citizens. Specifically, this amendment would create a Select Committee on Equal Educational Opportunity, to be composed of members of the Senate Committees on Labor and Public Welfare and the Judiciary, as well as Members of the Senate at large. This committee would make an interim report by the first of August of this year, and a final report by January 31, 1971. The inquiry would consider all phases of the problem of de facto segregation, including development of possible alternatives to busing, which would still insure equal educational opportunities.

This course of action, I believe, holds the promise of providing new policies which are more satisfactory to all Americans. Pending the report of this committee, it has seemed to me to be unwise to further complicate and confuse the difficult issues involved by adopting the amendments proposed by the distinguished Senator from Mississippi (Mr. STENNIS) and others which would generate more intense feeling and make ultimate resolution still more difficult.

One of the great advantages of this course of action, I believe, is that it should provide an opportunity for citizens from all over the country who have had firsthand experience with the difficult problems we face in providing equal education to be heard and to present their views and share their experiences and knowledge with those of us who are charged with developing and approving needed legislation.

Mr. MANSFIELD. Mr. President, I think the best thing to do would be to withdraw the resolution at this time. We have been through too much travail yesterday and this morning. No one is against the measure.

It was stated that the matter would be brought up during the morning hour today. And I think that the minority leader was present at the time. So, if there is going to be any further delay——

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, if there is any problem, I will myself, as I shall vote in favor of the resolution, move to reconsider the vote by which the resolution was agreed to.

Mr. MONDALE. And I will join with the Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. [Putting the question.]

The resolution (S. Res. 359) as amended, was agreed to as follows:

S. RES. 359

Resolution to create a Select Committee on Equal Educational Opportunity

Whereas the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and three majority and two minority Members of the Senate from other committees, to be appointed in the same manner as the chairman and members of the standing committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this resolution the committee, from the date of enactment of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent to suggest the absence of a quorum without the time being charged to either side.

Mr. BYRD of West Virginia. Mr. President, we are still in the morning hour.

The PRESIDING OFFICER (Mr. ALLEN in the chair). We are still in the morning hour.

Mr. JAVITS. Then I withdraw that unanimous-consent request.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. 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. JAVITS. Mr. President, we are still debating the education bill——

The PRESIDING OFFICER. The Chair will state to the Senator from New York that we are still in the period for the transaction of routine morning business, with a limitation of 3 minutes on statements.

Mr. JAVITS. I thank the Chair. I shall take only 3 minutes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969 AND SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. JAVITS. Mr. President, we are still debating this very critically important education bill, though, naturally, we got into a rather different subject—not that it is not related to education; of course, it is, very directly, but it differs from the general thrust of the other aspects of the bill, and we may have forgotten that the bill is still before us. There are still a number of amendments to be considered which relate to the effort to establish unitary rather than dual school systems in this country.

The Senate has now very materially expanded that concept. I have argued very often and with great feeling that it will result in slowing down integration in the South, and not necessarily speeding it up in the North, much as I would like to speed it up.

It is always interesting to get the view of a distinguished commentator, so I shall ask, while we are still debating the question, so that Senators may have an opportunity to think about it, that there may be included in the RECORD an article which appeared in this morning's New York Times, by Tom Wicker, entitled "In the Nation: The Death of Integration." I shall not comment; the words of Mr.

Wicker are too eloquent to require comment. I just beg every Senator, whatever side of the issue he may be on, to read it, and then ponder anew, before he votes, as so many have, in my judgment, without really wrapping themselves around the total consequences, on the rest of these amendments.

I ask unanimous consent that Mr. Wicker's piece may be made a part of my remarks.

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

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(By Tom Wicker)

WASHINGTON, February 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday, gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. If pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

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Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middleclass jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation, despite the empty rhetoric of the Nixon Administration and "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

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Poor old Union! Its great and generous dreams falling one by one to dusty death.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which the Mondale resolution (S. Res. 359) was agreed to be reconsidered.

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

Mr. MANSFIELD. Mr. President, I ask uanimous consent that at the hour of 12:15 p.m. there be a yea-and-nay vote on the Mondale resolution.

Mr. GRIFFIN. Mr. President, reserving the right to object, will the distinguished majority leader consider 12:30 p.m., to give the Members an opportunity to be notified and get here if they have anything to say?

Mr. MANSFIELD. All right, but provided we end the morning business and get down to the unfinished business.

I will change the request to 12:30 p.m., and I hope all Members will be notified.

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

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideraiton of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

YEA-AND-NAY VOTE ORDERED ON S. RES. 359

Mr. MANSFIELD. Mr. President, I yield myself one-half minute on the bill. I ask unanimous consent that it be in order to ask for the yeas and nays on the Mondale resolution.

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

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

YEA-AND-NAY VOTE ORDERED ON PENDING ERVIN AMENDMENT

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the pending amendment, amendment No. 492.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina (Mr. ERVIN).

Mr. JAVITS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The time situation is that the Senator from North Carolina has an additional 26 minutes, and the Senator from Rhode Island—in his absence, the Senator from New York—has an additional 37 minutes on the amendment.

On the bill itself, the majority leader has 78 minutes under his control. The Republican leader has 106 minutes.

Who yields time?

Mr. GRIFFIN. Mr. President, will the Senator yield me 3 minutes?

Mr. JAVITS. I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to acknowledge the move made by the distinguished majority leader in asking that the Mondale resolution be reconsidered, and I want to indicate that that was done after consultation with the junior Senator from Michigan. I asked him to do that not because I oppose the Mondale resolution. I intend to vote for it. But I was aware yesterday, in my leadership capacity, that there was a good deal of concern about it and concern about some of the details of it, concern about the composition of the committee and other factors; and I felt that at least there ought to be a reason-

able opportunity for those on both sides of the aisle to know that this resolution was to be brought up and voted on.

I want to indicate my sincere appreciation to the majority leader for his cooperation in that respect.

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

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I think the Senator should thank the distinguished Senator from Illinois (Mr. PERCY) and the distinguished Senator from New York (Mr. JAVITS), who made it very clear that, while they were in favor of the Mondale resolution, if any question arose, they would be among the first to reconsider the resolution.

Mr. GRIFFIN. I thank the distinguished majority leader for saying that.

Mr. MANSFIELD. I believe the Senator from Minnesota said he would, too.

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

Mr. GRIFFIN. I yield.

Mr. MONDALE. In no sense did we wish to railroad this resolution through. As I understood it, last night we agreed that this would be the pending business and would be the first matter brought up after the speech delivered by the Senator from Alaska.

Mr. MANSFIELD. During the morning hour.

Mr. MONDALE. That is correct. On that basis, we did have a colloquy for 10 or 15 minutes this morning in addition to a long colloquy yesterday, and I was under the impression that there was no objection. As soon as the Senator from Illinois suggested that further discussion might be in order, I made it clear, along with others, that I would be glad to withdraw the action and proceed as we have now proceeded.

Mr. GRIFFIN. I do not know that there will be serious objection. I do know that this was considered to be a very important part of the consideration yesterday. It was a very important amendment when it was offered. It is a very important step for the Senate to take, and I want to be sure that all Senators are aware when it comes to a head and a vote.

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

Mr. GRIFFIN. I yield.

Mr. JAVITS. If we had passed it by, we probably would have passed by the chance that we could have finished the bill today, because it had been agreed that this should come up only in the morning hour. We never like to bring things up about 7 or 8 o'clock, the shag end of the day. We were really against it, and the Senator has been very kind.

There is time for the debate, not just on the bill. I do not think we are going to act on the Ervin amendment very quickly. There will be time for debate, should the Senator desire it, and the same applies with respect to Senator MONDALE and me. If the Senator desires it, he can name his time.

Mr. GRIFFIN. The majority leader has received unanimous consent that there would be a vote on the Mondale resolution at 12:30. Although there is no specific provision for debate on it, I understand that the Senator from New York would be willing to provide some time from the bill if some Senator desires it.

Mr. JAVITS. Not only from the bill, but also on this amendment. If the Senator wants it now, I will be happy to yield now, or I will yield later.

I yield myself an additional 3 minutes.

Mr. MONDALE. The one observation I should like to make, which may be somewhat irrelevant in the light of our agreement here, is that we act on this proposal in the context of the action we took yesterday. I view yesterday's action as one primarily directed at the problem of dual school systems. I know that many will disagree, but that is how I view it. I view the action on this resolution as the only step that can be reasonably taken and, in my opinion, must be taken, to try to deal with the national problem of de facto segregation.

Therefore, I hope than one can follow quickly after the other so that we can dispose of the issue in that way.

Mr. GRIFFIN. May I ask the Senator from Minnesota, the resolution as now pending, which will be voted on at 12:30 o'clock today, has it been modified to eliminate the money provision?

Mr. MONDALE. It has been modified in two respects. The first is without significance. I clarified the fact that the at large members of the committee would be selected through the normal steering committee process. That is what I intended, but I clarified it. The other modification strikes the money provision because of the suggestion by the chairman of the Committee on Rules and Administration that we should prepare the budget after the committee is established and present it to the Committee on Rules and Administration. I agreed to that and struck the money provision out of the resolution.

Mr. GURNEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GURNEY. Let me state that I share the sentiments of the distinguished minority whip, as well as those expressed yesterday and, I understand, today by the majority whip with regard to this.

Actually, I think I favor the idea of a committee to study the problem as strongly as the authors of the amendment do, but I must say that I share some reverence for the procedures of a parliamentary body such as the Senate. For my purpose, I would think it would be better if we referred the resolution to the Committee on Rules and Administration and let it work it over. There are money matters to be judged as to the staff funding as well as the composition of the committee, too.

I do not think I could point to a more important committee in this session of Congress to undertake this very necessary study. I, for one, would prefer to see it go through the Committee on Rules and Administration.

Let me conclude by saying that here is one Senator who does feel that anything as important as this should go through the normal procedures of the Committee on Rules and Administration and then come back to the Senate for appropriate action. I do not see that that would mean any great delay. Everyone seems to be in favor of the committee approach, and so is the chairman of the Committee on Rules and Administration. I think that would be the better way to do it.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from New York for yielding us time to speak on the subject.

Mr. JAVITS. I am glad to yield more time, if other Senators wish to discuss it.

Mr. President, by way of completing my thought on this committee matter, I would like to state for myself that I believe the context within which the committee is being authorized is much more in the nature of adapting an amendment to the bill—what should be an amendment to the bill, to the procedures of the Senate than otherwise, that, therefore, it is not really a detached committee which has no relevance to a given issue in a bill before the Senate but is of a general character, and that this may be an element in determining how members may vote on amendments, how members will vote on the bill and, therefore, I think the purpose and effort to adapt Senate procedures is a very necessary element of this particular subject.

I hope very much, therefore, that this committee will be approved on a rollcall vote by the Senate.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from New York yield me 1 minute?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. Are we talking about the Mondale resolution now?

Mr. JAVITS. I am.

Mr. JORDAN of North Carolina. I thought that was to come up at 12:30 o'clock.

Mr. JAVITS. We are debating it. We did debate it a bit now, and then at 12:30——

The PRESIDING OFFICER. The Chair would inform the Senator from North Carolina that a vote on the resolution comes up at 12:30 o'clock today.

Mr. JORDAN of North Carolina. What I want to know is, what do we want to do with it?

Mr. JAVITS. I would like to see it approved.

Mr. JORDAN of North Carolina. In the form it was approved this morning?

Mr. JAVITS. In its amended form which the Senator from Minnesota (Mr. MONDALE) has just proposed.

Mr. JORDAN of North Carolina. That is agreeable to me. I just did not want to see any changes made in it, because we have agreed on it.

Mr. JAVITS. If I can explain, it means a recourse to—I think I understand it clearly—it means that we would come back to the Senate to name the members of the committee, and we would come back to the Committee on Rules and Administration for the money.

Mr. MONDALE. Right.

Mr. JAVITS. So that all the steps inherent in the subsequent sections of the resolution would be complied with.

Mr. MONDALE. This is what happened, let me say to the Senator from North Carolina. We passed it and then there was objection to adopting it the way it was drawn. We are adopting it now in amended form as approved this morning.

Mr. JORDAN of North Carolina. Has the Senator made any changes in it?

Mr. MONDALE. No, none at all.

Mr. JORDAN of North Carolina. Five members by the Judiciary Committee, five by the Labor and Public Welfare Committee, and five by the policy committees.

Mr. MONDALE. By the steering committees.

Mr. JORDAN of North Carolina. Yes. I have no objection.

Mr. JAVITS. Mr. President, I yield myself 5 minutes on the Ervin amendment.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me that we are being greeted this morning with a whole trough of predictions that integration is dead and that desegregation of the public schools in the United States of America, North, South, East, West—and everywhere else—as contemplated by the Supreme Court in Brown against Board of Education, has come to an end.

I think it is tragic to suspend the Constitution because we do not know how to administer it. I do not think that is true. There is enormous improvement everywhere. Certainly a tremendous amount of forward motion has been generated in the South where the problem first arose.

Thousands upon thousands of men and women of good will, whose deeds go unsung, have responded to the finding of the courts, and the legislation of Congress which came 10 years later. Much good has come from it in respect of the promises that were made to our children as to their future.

I rise today to assert that integration is not dead, that a living, powerful appeal to the sense of justice of the American people cannot be killed by the adoption of one or another amendment on the floor of the Senate, that the heavens have not fallen in, unless we are going to accept the idea that they have, and act accordingly.

Thus, Mr. President, for me, I intend to go on doing my utmost as ranking member of this committee, as a man and as a Senator of responsibility, in respect of a major bill, to preserve everything that can be preserved both of Federal aid to elementary and secondary education according to the scheme of the bill, which is of enormous benefit to the country, and in respect of the mandate of the Constitution in respect of desegregating the public schools of America.

I always say that they publish newspapers every day and it looks black today, but it may be brighter tomorrow. I believe that, somehow or other, our collective wisdom will enable us to fight our way through to a solution.

I should like to address one word to my southern colleagues.

The Constitution has been their bulwark and their defense on a thousand battlefields. Indeed, their principle has always been that if Abraham Lincoln had lived, the course of transition after the Civil War would have been very much smoother and far less painful, and that the hurts and wounds would have been bound up much more quickly.

The Constitution of the United States is a holy testament to them, as it is to me. It is infinitely more important and overshadows the grave controversy in which we are now engaged.

I am reminded of a line in the Old Testament with respect to my own faith:

> Behold, I have given you a good doctrine. Forsake it not.

I hope very much that we will all realize how much we have at stake in the integrity of the Constitution, and the authority of the Supreme Court, even though we do not disagree with it, and in the structure of this country, for we cannot govern millions of people by force. That goes for blacks and it goes for whites. We will not so tip the balance, just because the tide happens to be going that way, as I indicated yesterday, in such a manner as to destroy our own purposes and our own fundamental rights.

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

Mr. JAVITS. I yield.

Mr. MONDALE. Mr. President, I express my profound admiration for the genius and commitment of the Senator from New York to the cause of human rights. It is a pleasure to serve in the Senate with him and to be permitted to work with him on what I regard to be the most fundamental cause, a cause that strikes at the very vitality of our Nation.

The Union of South Africa does not appeal to me. I do not think that we can have a democracy in which we do not treat all human beings equally. We cannot accept color as a valid distinction. To proceed in that manner in a democracy would be to proceed on two concepts that are incompatible and would destroy each other.

I do not know what the politics of human rights is today. It is hard to tell. The frustration, the agony, the despair, and the hatred that one sees growing increasingly in this country reminds us of the dire predictions of the Kerner Commission and the Eisenhower Commission, which were rejected by so many as doomsday predictions. They appear today increasingly to be justifying themselves.

Whatever the politics, I am one of those who believes that there can be no compromise on the issue of human rights, that this is one issue that is worth everything, including one's public office.

I would hope, as the Senator has implied, that as the American public focuses on this amendment, they will broaden and expand their indispensable commitment to decency and fairness in American life.

Mr. JAVITS. Mr. President, I am very grateful for the Senator's statement. It moves me very deeply. As a young man in the Senate, with many years before him, he will have a chance to further this goal. I thank the Senator very much.

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

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, I address myself to the amendment introduced by the Senator from North Carolina. It seems to me that the very critical part of this effort is to interdict even the courts from ordering any kind of busing or changing busing.

I would like to call very strongly to the attention of the Senator the sweeping character of the amendment which not only inhibits the guidelines of the HEW and the power to withhold money, which is all the Stennis amendment did, but also inhibits the courts.

It reads:

> No court . . . shall have jurisdiction . . . to assign children to public schools to transport any child from one place to another or from one school to another, or from one school district to another school district to alter the racial composition of the student body at any public school.

That means not only that the amendment would deprive the court of the power to order busing, but also deprive the court of the power even to change busing where busing is an element of segregation.

I assume that we have the power to do this. And I rather believe that we do by law have the power to deprive the court of this amount of jurisdiction. I think it is most unwise, because we would be striking a blow at precisely what we do not wish to strike a blow against—the efforts being made to correct de jure segregation.

In addition, I think the amendment is very clearly open to the charge that a real effort is being made to abate enforcement of the Court's decree in the South or anywhere else, wherever it may be, relating to de jure segregation.

I point out that this would apply wherever the courts act. If they believe they can extend their jurisdiction to de facto situations, it would apply as well to those situations.

In this connection, I read with the greatest of interest the decision in the case of Green against the School Board of Virginia. That was a very landmark decision in 1947. It dealt with the question of busing. It was very interesting to me that a part of the busing situation which we have not looked at is referred to in this particular decision.

I read an excerpt from the decision:

> The record indicates that 21 school buses, 11 serving the Watkins School and 10 serving the New Kent School—

The Watkins School was a black school, and the New Kent School was a white school.

I continue to read:

travel overlapping routes throughout the county to transport pupils to and from the two schools.

That is a very key point. One of the ways in which the humane counties respond to the situation is to furnish buses.

The only choice a child has is to walk to school or ride, if he can find a means of transportation, or not to go to school at all if he is black.

One of the ways in which segregation was perpetuated in humane counties in the case of black children was to transport them very long distances to a black school.

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

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. A member of the minority staff of the committee which considered the pending bill was born in the District of Columbia. He tells me that when he went to school in the District of Columbia, there was a dual school system. He went across the street to school, but the black children of the janitor had to go roughly a mile, although it was a city, to go to a black school somewhere else.

They could have walked across the street, too, but, no, they were not permitted to do so.

The reason I say that is to point out how integral an aspect of the desegregation process busing, not actually creating busing, but a shift in the busing pattern, can be in respect to this matter.

The Senator from North Carolina—and again, I do not challenge his right to do so or the pertinence of any fact that was brought up—brought up yesterday a case—and as I read it, I might agree with him—in great detail. The case involves busing and was very recent.

As I said yesterday, we have all kinds of cases of that sort in the Federal and State courts and in Congress. And we fight against injustice and endeavor to correct the situation. But we do not pick out a particular example of injustice as the basis for junking the whole system, which is so deeply inherent in the Constitution, by depriving the court of all jurisdiction—which, in many cases, may be the only instrument capable of correcting the wrong.

If that were the only superficial guide, I pointed out how often we would feel that what the court does is wrong, too.

Mr. President, I welcome making that issue clear for the guidance of the courts. Second, I really think we would be pushing this far beyond any provident relationship to the constitutional issue and the issue in our country if we agreed to this amendment which takes away from the courts the jurisdiction to do anything about busing systems.

But on the other side of the coin, the Green case illustrates clearly what I have in mind. Where the pattern of busing itself—if you wish to deal with unconstitutional segregation—needs to be revised, the court should have the power and the authority to do it.

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

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

Now, one last thing. As a Senator, it seems to me that we should feel that once we undertake to enforce law, that we will enforce it; and we do not want to abort the enforcement process, whether as a tool as essential as the one we are now debating or not.

Mr. President, I wish to read from a memorandum from HEW entitled "Civil Rights Implications of Possible Antibusing Amendment to ESEA":

The antibusing amendment described here—

Which is the Ervin amendment—

would prevent title IV officers—

Those seeking to deal with the problems of title IV of the Civil Rights Act of 1964—

from preparing and submitting desegregation plans involving bussing changes which may be minor, but which nonetheless provide the only means in a given situation to comply fully with the law and the orders of the courts.

Then, to give some concept of the result of any such action, I shall go on and read further from the memorandum:

In substance, school districts which have accepted changes in their busing system in order to comply with the law would be encouraged to retreat. On the other hand, those districts with which HEW is still negotiating for compliance would not longer feel obligated to make busing changes which may be essential in eliminating vestiges of the dual school structure as ordered by Federal courts.

I am quoting from this memorandum as to the facts with respect to busing. May we have order in the Chamber, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. The memorandum states:

However, this restriction has not heretofore prevented the Federal Government from dealing with racial imbalance which is deemed illegal, discriminatory, or unconstitutional; that is, school segregation that has been brought about deliberately, either by formal law or custom or by the acts of local authorities. In this case, Title VI, which prohibits racial discrimination in Federally assisted programs, imposes upon the school district the obligation to take steps, including busing if necessary, to correct that deliberate or illegal segregation.

Further on this subject, we go to the way in which it is worked. There have been many statements here about the horrendous results which have resulted from the actions of HEW. Again, I would like to read from the memorandum:

To date, most desegregation plans accepted by HEW under title VI have involved little or no additional bussing in the affected school districts. Of approximately 300 voluntary desegregation plans negotiated for implementation in September 1969, less than 10 involved additional bussing.

It seems to me that that very materially diminishes the impact, which has been claimed here, with respect to busing and the alleged improvident use of that kind of remedy for de jure segregation, and I emphasize that is what we are talking about—de jure segregation.

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

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I would like to point out that in another memorandum directed specifically to the various amendments of the Senator from North Carolina (Mr. ERVIN), HEW points out that in negotiating for compliance, and this relates to violations in respect of de jure segregation—that is where you have dual school systems—under title VI of the Civil Rights Act, HEW may recommend and local school districts may adopt desegregation plans to reschedule, reroute, or reunify the preexisting busing system, particularly if the system is being used to maintain segregation.

That would be prohibited by the Ervin amendment. They say this is the only way de jure segregation can be corrected. It seems to me under these circumstances this would be a very improvident amendment to agree to. It would abort the effort to correct not only segregation of schools which are in the twilight zone but segregation which is directly contrary to law and even to a court decree, by what is frequently the only method by which it can be corrected, to wit, some change in the busing system. The HEW points out that in very rare cases has this been invoked; but nonetheless that it is very important and they point out that in only 10 cases out of 300 was additional busing required.

It seems to me under these circumstances we would be destroying a major and massive activity in a most improvident way by agreeing to the amendment which goes to the very jurisdiction of the courts themselves insofar as the authority to issue a decree to cure admittedly illegal segregation in the public schools is concerned.

Whatever may be the procedure ultimately adopted to deal with the amendment I hope very much the Senate rejects the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, will the Chair advise the Senator from Minnesota of the parliamentary situation on the vote to be held at 12:30 p.m. Are we voting on the merits?

The PRESIDING OFFICER. At 12:30, under the previous order, the Senate will

proceed to vote on the Mondale-Javits resolution.

Mr. MONDALE. And the vote will be on the merits.

The PRESIDING OFFICER. On the merits. It will be on Senate Resolution 359, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending resolution take place at a quarter to one; and I do so because certain Senators have raised certain questions and they would like to engage in a little debate before a decision is reached.

I hope that request will be met with the approval of the Senator from Minnesota and others.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—will there be 15 minutes of time to debate on the resolution that would not be charged?

Mr. MANSFIELD. Yes, of course, and the time would be under the control of the Senator from Mississippi and the Senator from Minnesota.

Mr. RUSSELL. Mr. President, will the Chair please repeat the unanimous-consent request? I did not hear it. I was engaged in another matter.

The PRESIDING OFFICER. The unanimous-consent request was that at 12:45 the Senate will proceed to a vote on Senate Resolution 359. Pending that time, debate can take place, the time not to be charged against the Ervin amendment or the bill itself.

Who yields time?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Are we now operating on a block of time controlled by different Senators than the Senator from North Carolina and the Senator from Rhode Island?

The PRESIDING OFFICER. The time is controlled by the Senator from Minnesota and the Senator from Mississippi.

Mr. PELL. Mr. President, will the Senator from Minnesota yield me some time?

Mr. MONDALE. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, I have been reading in the press references to the "bitter disappointment" of certain Department of Health, Education, and Welfare officials at my reluctance to hold hearings in the Education Subcommittee on the question of segregation.

My reasons for not wishing to hold such broad-based hearings within our subcommittee are twofold:

First, the subcommittee is basically liberal in an educationally oriented view and I believe that in order to give the subject the balance that it needs and in order to increase the opportunity of acceptance of its views in the Senate as a whole, there should be spokesmen for other points of view and other committees. While the thrust of the problem is educational, there should be an equal thrust with regard to civil rights, housing, and employment. In other words, I was concerned that our subcommittee could not, under its jurisdiction, do the in-depth study that is needed.

Second, my own view is that the Education Subcommittee should, as much as possible, concentrate on the improvement of the quality and scope of the education of our youngsters and that the subject of integrated education should be treated as part of that general effort.

If our subcommittee becomes too deeply involved in the civil rights issue, it will be civil rights that will soon be the tail waving our dog and our Education Subcommittee would increasingly find itself being used by liberals and civil rights leaders as a means to counteract the more conservative Judiciary Committee.

This deflection of our basic mission of concentrating on education would, I believe, be an error.

Both my objections would be met by the adoption by the Senate of the excellent idea of Senators MONDALE and JAVITS that a select committee would be composed of representatives, not just of the Labor and Public Welfare Committee but of the Judiciary Committee and of the Senate as a whole.

The studies conducted by the select committee should help us in arriving at some realistic solutions to this problem. At the conclusion of the studies conducted by the select committee, I would hope that the Education Subcommittee would be able to advance such legislative proposals as may be necessary to deal with the educational problems arising from racial isolation in our schools.

The language of the resolution sets forth a broad mandate to assess the effectiveness of the existing laws of the United States in providing equal educational opportunity. Since racial isolation, principally black isolation, is the central problem before us at this time and the major problem to be dealt with first is assuring all citizens of the right to equal educational opportunity, it is assumed that the select committee will deal primarily with segregation on the basis of race, color, or national origin, whatever may be the origin or cause of that segregation. It is my expectation that those Federal education programs which are intended to assist in providing equal educational opportunity will come under the review of the select committee only to the extent they are related to the problem associated with racial isolation. I would hope that the select committee would be able to conclude its work by the expiration date set forth in the resolution and that such recommendations as that committee may have would be available to the appropriate legislative committees for action during the first session of the 92d Congress.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield me just 2 minutes, or 1 minute?

Mr. MONDALE. I may say to the Senator that there are only 3 minutes remaining to me. I think we might reserve that time.

Mr. JAVITS. Very well.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

Mr. President, may I make an inquiry of the majority leader? I have not had time to read the resolution. As I understand, the steering committee of the majority and minority will select the membership of this select committee?

Mr. MANSFIELD. That is my understanding, and that is in the resolution.

Mr. STENNIS. I really have not had time to read it. I understand there has been some discussion on the floor and there was an agreement reached that it would be taken up this morning. The Senator from Mississippi had no knowledge of that. I came here at 12:15 and learned for the first time that a vote on the resolution was scheduled for 12:30 p.m. today. I thank the Senator from Montana for that answer. I wanted to be sure.

Mr. President, I have just stated here that I heard yesterday in the early evening that there would be a resolution providing for this select committee. I was just old fashioned enough to think that the resolution would be referred to a committee, or to the Rules Committee, for consideration and weighing and confirming of language with recommendations by the committee with a report thereon. I am not critical of anyone, considering the rush we are in here, but I walked in here and found out that the resolution had been agreed to in the morning hour, but, on request, had been reconsidered and set for a vote at 12:30.

As I said, I got here at 12:15 and did not even know what had happened. There is no time now for us to fully read the resolution, weigh its provisions, or discuss it or ask questions. I understand the money provisions have been stricken out, so at least there would be a chance for the Committee on Rules and Administration to hear the evidence on that issue. It would not have any authority to modify the language of the resolution.

I just think we ought not to act so hastily on a matter of this extreme importance in this delicate field. Further if there is going to be a comprehensive study of this complex problem, a report cannot be had by August 1 of this year. I do not believe it can be. I do not see how busy Senators can possibly have time to give it much attention. Staff members could give it some attention in that short time, but that is about all.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I want to express my thoughts on this matter as briefly as I can, and I am sorry there is no time to discuss it thoroughly. I had thought the Senate was actually reaching a point of rational action the other afternoon. I am thinking particularly of the remarks of the former Secretary of Health, Education, and Welfare that he knew we had dozens of programs in this field that were not working and we ought to do something about it.

First, I do not feel that this resolution should be considered until it goes to the Rules Committee, and I do not think it is completely proper that anyone accept this resolution for the Rules Committee unless the committee has acted on it.

Second, when in the world is the Senate going to start to get some sense and stop shucking off its responsibilities to everyone else and saying, "Well, we appointed a commission, we appointed a committee, and now we are appointing a special joint committee"?

We have a Labor and Public Welfare Committee, and in it is a Subcommittee on Education. I have not even had time to check it, but they have a budget of more than $500,000, I believe, this year; and this is their responsibility. What have they been doing all these years if they have not been considering this matter? This is one of their responsibilities, and I feel that this is where it should be, not in a special committee, because such a committee cannot do a comprehensive job in a few months.

I sincerely hope the resolution will be rejected, because I think it is a shucking off of our responsibilities, as we do far too often by saying, "Let us appoint a commission, let us appoint a committee, let us appoint a board, and then we will have discharged our problem."

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

Mr. ALLOTT. On the Senator's time, yes. I do not have any time.

Mr. PELL. I ask unanimous consent to respond to the Senator, not on his time.

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

Mr. PELL. As chairman of the Education Subcommittee, I wish to state that our budget is not quite as large as the Senator indicated.

Mr. ALLOTT. I am talking about the full Committee on Labor and Public Welfare.

Mr. PELL. I am sorry; I thought the Senator said the Education Subcommittee.

I also believe very strongly that for such a committee to be effective, the Senate should come out with a resolution touching this delicate subject of integration. I think our committee is basically a liberally oriented committee. I think for an overall study to be made, there should be representatives of all points of view in the Senate, and that is why I like this idea of a broader range, where one-third of the membership would be out of our committee, one-third out of the Committee on the Judiciary, and one-third appointed by the steering committee as a whole.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. STENNIS. I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Mr. President, on January 21, I had printed in the RECORD an article by Mr. Joseph Alsop, in which he made the following statement:

> The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

Then he mentions the investigation conducted by the Department of Health, Education, and Welfare, and says of the investigation:

> Their story . . . was downright hair-raising.

What I am saying is that we now, in the Senate, propose to appoint a special committee. We have had no debate about the committee or its merits at all. There has been no discussion of the matter. It could be the most important committee that the Senate could appoint this year. I certainly subscribe to the sentiments of the distinguished Senator from Mississippi and the distinguished Senator from Colorado that what we ought to do is refer this matter to the Rules Committee so that complete hearings can be had, and then we can come up with a committee that does represent a broad cross section of the Senate.

I am 100 percent in favor of a committee, but I do not think we ought to create it here on the Senate floor, after about 5 minutes of discussion or even less.

Mr. MONDALE. Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. MONDALE. How much time has the opposition?

The PRESIDING OFFICER. There is 1 minute remaining on each side.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

Mr. President, as I have already said here, I had, when this proposal was offered as an amendment, prepared an outline of an argument concerning it. I do not have that memorandum here this morning. I make the most vigorous protest that, even if good faith has been exercised by everyone, that a problem of such far-reaching importance as this could be given such slight consideration by the Senate; and, if we are going to pass it on such slight consideration, without all Senators knowing about it, I would not have much respect for, not the membership of the committee, but the act of the Senate in thus passing on a matter of such tremendous importance.

I hope that someone will move to refer this matter to the Rules Committee, so that they may further consider it. It might be that I would support such a measure to provide for a select committee; but, my goodness, I for one have not had a chance—not 5 minutes—to weigh this thing and express my views to my colleagues.

Mr. MONDALE. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, I can sympathize with the distinguished Senator from Mississippi, who has been on the Senate floor day in and day out for a long time. I cannot, however, sympathize with his statement that this matter has not been considered. It was considered on this floor for more than an hour yesterday. It was considered for about half an hour this morning. It was changed considerably, tightened up drastically, and I think it represents the overwhelming will of the Members of this body. There is nothing hasty about this action. This proposal is really a part of the bill under consideration. It must be considered as such. Everyone knew that such a proposal would be offered.

So I hope if any motion is made to refer it to committee or to table, it will be defeated, and I hope the Senate will face up to its responsibility today and pass this resolution, which was offered in good faith.

Several Senators addressed the Chair.

The PRESIDING OFFICER. All time has expired. Senators can be recognized only by unanimous consent.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Would a motion be in order at this point to refer this resolution to the Committee on Rules?

The PRESIDING OFFICER. Unanimous consent was obtained that at 12:45 p.m. a vote would occur on the matter itself.

Mr. GURNEY. If a unanimous-consent request were propounded to entertain a motion to refer the resolution to the Committee on Rules, would that request be in order?

The PRESIDING OFFICER. It would be in order.

Mr. GURNEY. I make such unanimous-consent request.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. If the Senator wishes to make a motion to table, I shall not object to that; I will ask unanimous consent that he may do so.

The PRESIDING OFFICER. By unanimous consent, such a motion could be made.

Mr. GURNEY. Mr. President, I ask unanimous consent that a motion to table be in order at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. If the Senator makes the motion, the Chair will put the question.

Mr. GURNEY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. If a motion to refer were made, and the Chair ruled it was out of order, the ruling of the Chair would then be subject to appeal to the Senate; is that correct?

The PRESIDING OFFICER. Yes; any ruling of the Chair would be subject to appeal.

Mr. MANSFIELD. Mr. President, I move to lay the pending resolution on the table, though I shall vote against the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table Senate Resolution 359.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The

question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to lay on the table Senate Resolution 359. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mr. YARBOROUGH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maryland (Mr. MATHIAS) would each vote "nay."

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 31, nays 56, as follows:

[No. 46 Leg.]

YEAS—31

Aiken	Ellender	Murphy
Allen	Ervin	Russell
Allott	Fannin	Sparkman
Anderson	Gurney	Stennis
Baker	Hansen	Talmadge
Bennett	Holland	Thurmond
Byrd, Va.	Hruska	Tower
Cotton	Jordan, N.C.	Williams, Del.
Curtis	Jordan, Idaho	Young, N. Dak.
Dole	McClellan	
Eastland	Miller	

NAYS—56

Bayh	Harris	Pastore
Bellmon	Hart	Pearson
Bible	Hollings	Pell
Boggs	Hughes	Percy
Brooke	Inouye	Prouty
Burdick	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Long	Ribicoff
Case	Magnuson	Saxbe
Church	Mansfield	Schweiker
Cook	McGee	Scott
Cooper	McGovern	Smith, Maine
Cranston	McIntyre	Spong
Eagleton	Mondale	Stevens
Fong	Montoya	Symington
Fulbright	Moss	Tydings
Goodell	Muskie	Williams, N.J.
Gore	Nelson	Young, Ohio
Griffin	Packwood	

NOT VOTING—13

Dodd	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Goldwater	Mathias	Yarborough
Gravel	McCarthy	
Hartke	Metcalf	

So the motion to table was rejected.

The PRESIDING OFFICER. The question now before the Senate is on adoption of the resolution offered by the Senator from Minnesota (Mr. MONDALE), as amended.

On this question the years and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS), are detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maryland (Mr. MATHIAS), would each vote "yea."

On this vote, the Senator from Arizona (Mr. GOLDWATER), is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 61, nays 26, as follows:

[No. 47 Leg.]

YEAS—61

Aiken	Griffin	Pastore
Anderson	Harris	Pearson
Baker	Hart	Pell
Bayh	Hollings	Percy
Bellmon	Hughes	Prouty
Bible	Inouye	Proxmire
Boggs	Jackson	Randolph
Brooke	Javits	Ribicoff
Burdick	Long	Saxbe
Byrd, W. Va.	Magnuson	Schweiker
Cannon	Mansfield	Scott
Case	McClellan	Smith, Maine
Church	McGee	Sparkman
Cook	McGovern	Spong
Cooper	McIntyre	Stevens
Cranston	Mondale	Symington
Eagleton	Montoya	Tydings
Fong	Moss	Williams, N.J.
Fulbright	Muskie	Young, Ohio
Goodell	Nelson	
Gore	Packwood	

NAYS—26

Allen	Ervin	Murphy
Allott	Fannin	Russell
Bennett	Gurney	Stennis
Byrd, Va.	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hruska	Tower
Dole	Jordan, N.C.	Williams, Del.
Eastland	Jordan, Idaho	Young, N. Dak.
Ellender	Miller	

NOT VOTING—13

Dodd	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Goldwater	Mathias	Yarborough
Gravel	McCarthy	
Hartke	Metcalf	

So Mr. MONDALE's resolution, as amended, was agreed to.

The PRESIDING OFFICER. Without objection the preamble is agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, may I inquire how much time remains on the Ervin amendment?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes remaining, and the Senator from North Carolina has 26 minutes remaining.

Mr. JAVITS. Mr. President, I suggest that the Senator from North Carolina may wish to use some time, since we have almost used all of ours.

Mr. ERVIN. Mr. President, I yield to the Senator from Florida (Mr. GURNEY) so much of the remaining time as he may wish to use.

The PRESIDING OFFICER. The Senator from Florida is recognized.

The Senator will not proceed until the Senate is in order.

The Senator may proceed.

Mr. GURNEY. Mr. President, I rise to support the amendment offered by the distinguished Senator from North Carolina which, in effect, would stop this forced busing which creates a school problem throughout the country, and especially in our part of the Nation.

I have listened very carefully to the argument in opposition to the amendment, mainly made by the distinguished Senator from New York. As I see it, the argument against the amendment is twofold. One argument is that if we agree to the amendment, we will stop and destroy the integration of our school system that has been proceeding around the country, and especially in our part of the Nation.

There is no validity to that argument whatsoever. There is not anything in the amendment that alters Brown against School Board or, for that matter, any of the other Supreme Court or circuit court of appeals decisions which have come down since, which say that we will proceed with the integration of our schools.

This argument is a red herring—nothing more or less.

Another argument has been made here. The word de jure is used again and again by those who oppose the amendment. I think the argument runs that if we agree to the amendment, then, of course, the outlawing and stopping of de jure segregation, which occurred in previous years in some parts of the country, will not be proceeded with.

Again, I can see no validity at all to this argument.

What we have done, in Florida at least—and that is a situation with which I am familiar—is really de facto segregation. De jure segregation went out long ago. We have been proceeding with integration rapidly in the last 2 years, and especially in the past year.

We were proceeding fairly well until

the Supreme Court decision of a few weeks ago which said that there would be integration this very month.

The problem which we have in Florida, and I think that is true of other States as well, under the recent court order of the Supreme Court is, indeed, de facto segregation and not de jure segregation, and how busing is used to alter de facto segregation.

What is happening all through Florida, and it has brought our public school systems to a state of chaos, is the busing which has been instituted under the court orders to alter de facto segregation.

We have schools there, as they have in New York City and in other large cities, that are located within Negro areas and are located within white areas, neighborhood schools that, of course, are all black or all white, not because of any de jure concept of integration, but because we have de facto segregation. It is a matter of where people live and work, and they send their children to the neighborhood schools.

So this business that we should not agree to the amendment because it would stop de jure segregation is entirely false and entirely a red herring also.

Mr. President, I have never in my lifetime, in or out of public office, seen the feeling that has been aroused in my home State of Florida this year under the Supreme Court decisions and the implementation of those decisions. Our office has been flooded with communications in the last few weeks. I have brought a few of those communications with me to the Chamber today. Here are some of them; and I have another five piles with me which are just as big. This constitutes only a very small portion of the communications we received on busing. We get them from white parents, we get them from black parents, and we get them for everybody. I might read some of the language in some of the letters. Here is one.

DEAR SIR: I will come immediately to the point. My husband and I are most unhappy over HEW running over our children's lives—upsetting, interrupting and disrupting their education in the middle of a school year. * * * there is still a question of busing. I am against busing, my husband is against busing and my children (the innocent victims of this political mess) do not want to be bused out of our neighborhood schools. We moved out where we are, a woodsy area, dirt road even, near FTU for the country environment and country type of schools.

Mr. President, there is nothing in here that shows any feeling or prejudice against black people, or against the integration of schools. This is true in all these letters we receive from Florida. What they do not want is busing, where they have moved into a neighborhood and they have selected a neighborhood in which to live with schools nearby.

Here is another letter:

I am writing to you to protest the forced busing of school children.

As a new resident, and soon to be voter of the State of Florida, I am appalled at the terrible problems existing in the schools here.

My son was attacked, and robbed the first month he was in school here. The group of hoodlums involved were bussed in. This element carries knives, switchblades, and other weapons. The principal was sympathetic, but his hands are tied.

I do not know how much plainer one could be than that. The letter concludes in this way:

The Supreme Court gave up listening to the people long ago.

I agree with that; it surely did.

Here is an interesting letter from the Dade County Federation of Women's Clubs. Those who know Florida know that Dade County is the largest county and it has the cities of Miami and Miami Beach located within its boundaries; politically it is Democratic, and it is quite liberal. This letter is from the Federation of Women's Clubs, representing 57 member clubs and approximately 12,000 members. They met on January 28 and passed a resolution and they sent me this letter:

We are opposed to the transporting of pupils to newly and artificially assigned schools, to the closing of existing useful schools, and especially to the use of federal funds or local school taxes for massive transportation of pupils when these funds should be used for the construction and equipping of much needed new schools.

I agree. This makes a lot of sense and something that many of us have been pursuing a long time.

Here is another letter which states:

DEAR SIR: I am waiting to tell you that we are protesting the busing of our children to other schools away from our area. We have always sent our children to the nearest school by our home. Our children have to arise early enough to get to school by 7:30 and 7:45. With this early daylight saving time, it is before dawn when they leave our home to catch a bus. I can imagine how early they will have our children up, so they can spend an hour traveling to another school so a racial balance can be created. Also, in case of illness or accident what Mother needs to drive ten miles to pick up her child. If she happens not to be at home at an unfortunate time, I don't think a neighbor will be as willing to help out. These are just a few things I can think of to *protest* "Busing".

Here is another letter:

I am the mother of three children. The two oldest boys are in the first and second grades, the youngest a daughter is 4 and will attend kindergarten next fall. I am writing in regard to the busing of children because of integration. I am totally and wholeheartedly against busing of any kind. I do not want my children bused to a school when they have one in their community. How can children participate in school activities if their school is out of their community? How can mothers and teachers confer for the future of our children if the children is miles away. Many mothers do not have cars. How can mothers contribute their services if they cannot get to the schools. I feel this is not a democracy anymore when you buy a home in a community, where black or white have equal opportunity to do so, then the Supreme Court tells you your children have to be bused elsewhere. This is happening and it is too much.

Here is a letter from a town manager which states:

I am fed up—up to my neck with the word 'integration' as it applies to our schools and the busing of pupils to schools. I am ashamed of our United States Supreme Court in their many renditions and legality of our United States Constitution.

First, let me say, I am not a racist. I have lived in the North, in Ohio and Pennsylvania, and gone to grade school, high school, and college with Negroes. It happened to be in these states that all of us in a municipality attended these schools by walking. It so happened that this was our school and we were proud of the same—regardless of color.

* * * * *

First, in the matter of busing it is simply an economic situation. Secondly, it is a matter of taking small children away from their little friends and out of the municipality and into another. Third, and last, it is a matter of freedom.

This involves not just crosstown busing but busing from one community to another.

Mr. President, I could go on and on and give many examples. In one of our counties, Sarasota, there is busing 42 miles each way between communities, which is 84 miles each day in order to get to and from school. Under an order affecting Palm Beach County, which we were able to get set aside this year, there would have been busing of 40 miles. One of my close friends had three children in neighborhood schools until recently, but now one of the children goes to a school 2 miles away, another to a school 4 miles away, and the other boy to a school 4 miles. There is a complete disruption of education in Florida because of school busing. It makes no sense, it is costly, it is disrupting the lives of young children, and it interferes with the education of young children.

We have had just as many communications from blacks as from whites. In Gainesville, Fla., a short time ago, a Negro high school was closed down and pupils scattered to other parts of town. When this occurred there was a riot in the high school. Black students protested this arbitrary busing around.

The only way we can stop this under the interpretation of court decisions by HEW of what HEW feels must be done to carry out the Supreme Court decisions, is to agree to this amendment against busing. It is a practical amendment.

As I read the signs of the times there is not only opposition in the South against this practice; there is opposition everywhere.

As soon as some of the amendments we are agreeing to here in the Senate are implemented in other parts of the country, the opposition is going to be in other large communities in the United States and it will be even more vehement than it is in our part of the South. I cannot imagine a more explosive political, social, and economic issue as this one; nor can I think of any issue that touches on all three of these facets of our lives or anything that has ever had such wholesale opposition to it at any time in our country than the opposition by the people to busing.

The amendment is needed to preserve sanity in our school system. It will not stop the course of integration. That is not the purpose of the amendment as I

see it. The purpose is to put some sense back into integrating our schools.

I hope the amendment is agreed to and agreed to overwhelmingly.

Mr. ERVIN. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I wish to ask the distinguished proponent of the amendment a question. Is my interpretation correct that the amendment of the Senator from North Carolina removes the element of Federal compulsion but it does not prevent local school authorities from instituting busing if they choose to do so?

Mr. ERVIN. The Senator is correct. It would only prevent the Federal Government from doing so and it leaves the local boards free to do what they please in respect of this.

Mr. TOWER. If the school board in my hometown wanted to impose busing on its own initiative it would be free to do so. Is that correct?

Mr. ERVIN. Absolutely.

Mr. TOWER. I thank the Senator.

Mr. ERVIN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from North Carolina has 11 minutes left.

Mr. ERVIN. Mr. President, I yield as much of that 11 minutes to the distinguished Senator from Mississippi (Mr. STENNIS) as he may use.

Mr. STENNIS. Mr. President, I certainly thank the Senator from North Carolina. I know time is short, and I shall not impose on his time.

Mr. President, it is a privilege for me to join with the Senator from North Carolina as a cosponsor of his amendment. It is plain, simple language. It is practical in its application.

The present situation with reference to busing of schoolchildren outside of the South is local choice. It is a local problem. It is a local question for decision by the boards, or even State policy. And that is the way it should be.

There has to be some busing of children, of course, to get them to school. That is the way we consolidated our schools in rural areas more than a generation ago. That is the rule they have. But in our part of the country we are, in effect, under judicial order or under the plans of HEW to do what I call unjust and unreasonable busing. It is not just busing that we object to; it is the demand for arbitrary and unreasonable busing, not for educational purposes, not really connected with quality education, but just in order to carry out a ratio to overcome racial imbalance, as the term is used.

There is an express provision in the Civil Rights Act of 1964 that that shall not be done; and that is respected and applied, as I say, outside the Southern States. It is another illustration of this arbitrary rule or sectional policy. That provision of the present law is ignored simply by saying that "We are not doing it to overcome racial imbalance; we are doing it to overcome segregation, and we are thereby doing it to improve the quality of education."

I just do not know of any place where there is a more open, willful ignoring of a statute, both in letter and in spirit, than there is there.

I remember that we had a fine debate on that provision of the Civil Rights Act before it was voted on. The explanation was made over and over again that this would all be done under uniform rules of national application.

Those statements were made in good faith. That was the intent of the Senators who made that argument at that time. But the application and the practice have moved far beyond that field, and now anything HEW cooks up and wrings out of the local boards in order for them to get money, goes in spite of this provision.

It is also true, unfortunately, that the courts have ignored that provision. The courts have based their decisions, as they have said, strictly on the 14th amendment.

So something like this amendment is the only way to restore a national policy with respect to this particular activity.

But there are additional reasons. I have been connected, to a degree, with schools all my life. I have never been a teacher. I have never had that privilege. But I have had three sisters who have spent a great deal of their adult life in schools as teachers, and I have been on school boards and in the PTA, and have been, and am now, close to the schools, and I know parents and teachers.

The idea of taking a little girl or a little boy and putting them on a bus and carting them around over the county school district—whether it is a county or not—and moving them away from their own community, moving them to another area, putting them in school there, and taking little children out of that school and moving them back across the county or district and putting them where the first group came from, just to create an artificial racial balance, is not justified in law, is not justified in conscience, and is not justified on any basis.

When a man and woman buy a home in a community or area, they are buying into the schools, they are buying into the churches, they are buying into the community life, they are buying into the parks, and they are buying into whatever there is for their family to share. It is as much their decision and their right to make the decision as is the front door on that residence. Then the government—it does not make any difference which one it is—says to them, when their children get to be 6 years old, or whatever the age is, "We are going to take your children out of your community; we are not going to let them go to school with their friends; we are not going to let them go to school over here where they will be partly under your attention and surveillance; we are not going to go to school where you will be members of the PTA or the community; we are going to take them out and cart them through the school district of the county as if they were so many cattle. It does not make any difference what the race is, whether they are black citizens or white citizens; it does not make a bit of difference in the world; there is an inalienable constitutional right and a natural right that the child and the parents be protected, unless it was on the ground of the health or sanitation or communicable disease, or something of that kind.

Mr. President, you invade a holy province when you touch family life. What rights are the people going to have left? This is supposed to be a land of freedom and a land of liberty. We are sending young men halfway around the world to fight in the jungles of South Vietnam, in a war that I have supported, for what we say is to let those people have the right of self-determination. That has not been made clear to the people yet. We do that with one hand and, assuming that it is justified, with the other hand we pull back the self-determination even of the inner confines of their own personal families, relating to their children.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. STENNIS. Mr. President, I am very sorry I let the time slip up on me. May I ask unanimous consent that the Senator from North Carolina have 5 additional minutes?

Mr. JAVITS. There is time available on the bill.

Mr. ERVIN. I would like to yield also to the distinguished Senator from Wyoming.

Mr. JAVITS. Does the Senator from Mississippi wish for further time?

Mr. STENNIS. No.

Mr. JAVITS. Mr. President, I yield 3 minutes on the bill to the Senator from Wyoming.

Mr. HANSEN. Mr. President, when the smoke clears, there is one issue which each of us must resolve in our own minds. That issue is whether it is in the public interest for any court, agency, or department to have the power or the right to tell young children that they must attend a certain school outside the community in which they live.

It would be easy for me to stand on my soapbox here today and proclaim all the advantages of forced busing. In 1968, there were only 665 Negro students attending schools in my home State of Wyoming. This represents 0.8 percent of the total school enrollment. It would be easy for me to say to my distinguished colleagues that forced busing is a valid practice and should be continued elsewhere, because regardless of what decision is made here today, it would have little immediate effect on my State.

Mr. President, I cannot in good conscience speak in favor of forced busing.

Unfortunately the effect of forced busing cuts much deeper than the mere equalization of whites and blacks. We are not speaking of mere numbers; we are concerned with human beings who have feelings and personalities that are unique unto themselves.

The debate of the last few days has pointed up the problems. We need to start looking at students as human beings, and quit concentrating merely on numbers to achieve racial balance.

I firmly believe that the black or white child, who is shipped out of his neighbor-

hood into a different environment, is put under severe psychological strain and pressure.

The conflict which arises from this busing is multiplied by the fact that the child is in a new surrounding. Teachers and classmates are new. In effect, the little black or white child is plucked from his home environment and forced to go friendless into a whole new arena of life. This could not help but have an adverse effect on the child's emotional makeup.

I think that educators would agree that a major part of any child's learning is the preschool and postschool activities which all children enjoy participating in—especially on the secondary level. Participating in activities like the Future Homemakers of America, Honor Society, Camera Club, and Language Club all represent an added educational experience which occurs outside the classroom. Participation in this type of activity is an important aspect of the educational experience. We have all heard stories about teenagers who continue in school only because they want to participate in sports. This type of peripheral educational experience would be largely eliminated if a child had to catch a bus after school so that he could be transported across the city or county to his own home.

Mr. President, I support the pending Ervin amendment. I think it is wrong for education to take the full brunt of the integration movement, and I think it is wrong for children to have to bear the burden of this movement. We should concentrate more on improving the educational standards of all schools rather than merely making little children the object of a numbers game.

Mr. JAVITS. Mr. President, I yield 3 minutes on the bill to the Senator from Ohio.

Mr. SAXBE. Mr. President, I am somewhat disturbed at the confusion which seems to arise from these discussions, because it seems we are discussing only the busing of small, innocent children, and the inconvenience it causes to their families, and so on.

There is a much bigger picture involved, and I think that to see it properly we have to go clear back and review the issue of slavery, and what caused it and what resulted from it; because that, too, is a part of this whole pattern.

Slavery was instituted in this country as an economic measure. The slaves could be used as beasts of burden, and they were. After much jockeying in these Chambers, resulting in the Missouri compromise, the Kansas-Nebraska law, and all of that fancy footwork, a war was fought in this country on the question of whether slavery would survive.

The forces of the United States prevailed, and from that time on, the lot of the Negro in the South, instead of improving, declined, because the Ku Klux Klan and the other organizations that arose to keep the Negro in his place prospered, until the Plessy against Ferguson case, which came in the 1890's, rather than being a setback for the Negro, represented at the time a tremendous move forward, because up until then he was not getting any education at all except that which might be provided as a beneficence from the rich planter or the man who still controlled the black man and his family.

After Plessy against Ferguson, there was an attempt, but a feeble attempt, to provide separate but equal facilities.

We have talked a lot about this "de jure" and "de facto" segregation. When Brown against Board of Education came along, on the question of the so-called de jure segregation, it required some shifting of gears to change what had been the law of the States under Jim Crow—and not just the law, because that was simply no longer constitutional, but the customs and the social practices.

We have seen the towns in Florida—and I am sorry the Senator from Florida (Mr. GURNEY) is not present—where, as you go along down the east coast of Florida on the Seaboard or Florida East Coast Line, it runs about a mile from the coast, and that railroad is a barrier, in a hundred cities that run up and down that east coast of Florida. I have sat in the town of Delray Beach, Fla., where not only is that railroad a barrier, but they have seen fit to build a 6-foot high, horse-high and hog-tight concrete fence around a designated area where the black people are supposed to live; and they had better live there.

This was not accomplished by a law that was passed, that said that man has to live there. It was done by real estate interests, and by the police and their effective enforcement. But it has been done, and the schools were established accordingly. This is a geographical line, it is not a legal line; but the schools were established, and the black children go to those schools.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JAVITS. I yield the Senator 2 additional minutes on the bill.

Mr. SAXBE. As the situation has progressed in the South, the boundaries have been adjusted accordingly. I have admitted on this floor that in Ohio and Washington and other States, we have de facto segregation because of geographical living patterns, and it is to be deplored. But I submit that, by adopting the amendment now before us, which says you cannot bus under any conditions, and that no Federal agency can direct or enforce an order to bus, and no court, the Government is deprived of a weapon that can be used, not indiscriminately, as I see it—and I admit that it would appear that it has been used indiscriminately, and perhaps not too intelligently—but we are only 15 years away from de jure segregation, and it is too early to abandon the effort. It is too early to say, "Well, there is nothing we can do for the black man, he is not capable of living in our community or going to our schools; he degrades our schools; he is never going to be any better."

I do not believe that. I think there is still hope, and there is opportunity. To agree to this amendment and adopt this course of action at this time is an admission of our inability to cope with this problem, and an admission that perhaps the South is right, that they know how to treat the black man, and they know how to keep him in his place. To me, it is an admission that they may have the right answer, and I will not be a party to it.

Mr. ERVIN. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield 1 minute on the bill to the senior Senator from North Carolina.

Mr. ERVIN. Mr. President, I was very much intrigued by the argument of the distinguished Senator from Ohio in going back to slavery. Slavery was abolished 100 years ago. But if you are going to allow Federal judges and Federal bureaucrats to haul little children to and fro over the face of the earth, you are enslaving the little children to the bureaucracy and the judiciary.

I appeal to Senators to vote for this amendment and provide that children, in the year of our Lord 1970, will not be made slaves to bureaucrats and Federal judges but, on the contrary, that they be made free.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I shall vote against this amendment, and I shall outline my reasons for doing so.

As I said the other day in a colloquy with the distinguished Senator from North Carolina, it was my duty in 1964, together with former Senator Douglas, to manage on the floor of the Senate title IV of the 1964 Civil Rights Act.

In the debate on title IV, in 1964, both Senator Douglas and I, in response to questions from other Members of the Senate about the intent of title IV as to busing, gave our judgment that, under the measure, busing was prohibited—as elaborated later in colloquy with the late Senator Johnston of South Carolina—from one school district to a contiguous school district. I think that was the intention of the law. But I do not think that our interpretation went to the necessary means a school board will take inside a district to meet the problems of their schools.

I can give several illustrations. In the rural area in which I live, there were 60 or more schoolhouses in the county—one- or two-room schoolhouses—several years ago. Now, with the advent of better roads, we have a few consolidated elementary and secondary schools and consolidated high schools to which pupils are bused from all over the county. It is necessary and both black and white are bused. It preserves, as best one can, the neighborhood school.

Again, situations have arisen in the South since the Brown case in which I do not believe busing should be employed unless it is employed equally over the land. We have discussed such situations for 2 or 3 days in connection with the Stennis amendment around the issue of de facto segregation. In the North, in large cities, there is de facto segregation.

The courts have held thus far that they are not subject to the same rule of the Brown case.

As a result, HEW and the courts do not intervene and no busing is compelled. But in a similar de facto case in the South, HEW does in effect compel busing. This is not equal protection of the law—certainly not equal application of the law.

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

Mr. GRIFFIN. I yield 2 additional minutes to the Senator from Kentucky.

Mr. COOPER. To me, the trouble with the amendment is this. The Supreme Court is a coequal branch of the Federal Government. I doubt that it can be divested of its authority to rule upon constitutional questions which arise under the Brown case. If we can divest the Court of power and authority in this instance we would be tempted to divest the Court of power to deal with any condition we dislike in this land even if a temporary or fleeting matter. I do not think it is right to start on such a course. Whether one agrees with the Supreme Court's decisions or not, there must be an institution in this land which has the authority to review the acts of the Federal Government, of the State governments, of Congress, and of the Executive to determine whether or not in the Court's view justice has been done. That institution is the Supreme Court. And we should not attempt to divest it of appellate jurisdiction in cases arising under the Brown case.

I repeat that I believe the intent of the Civil Rights Act of 1964, title IV, was to prohibit busing from one school district to another, and the law that should be followed by HEW and the courts. I do not believe it was intended to compel busing in a true de facto situation in the South, and not do so in the North, East, and West. But I must say it goes too far for us to say in difficult cases. We should divest the Supreme Court of the authority that rests in it to review the actions of the Federal Government, of the State governments, of individuals, of Congress, and of the Chief Executive.

I must rest my case on that position.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I wish to state to the Senator from North Carolina—he may wish to address himself to the subject—that I intended to move to table this amendment, and the reason I intended to move to table it is as follows:

I think it differs very materially from the Stennis amendment, both in thrust and in consequence, because the Stennis amendment dealt with an educational aspect of the bill. This amendment deals with the power of the courts to enforce the Civil Rights Act of 1964. It seems to me, therefore, that it is not a relevant part of this bill but, rather, a relevant aspect of a general civil rights debate.

It is to be noted that this whole problem was dealt with by the Civil Rights Act of 1964, and reliance has been had time and again on that in the action of HEW.

Again, Mr. President, Senator STENNIS' amendment, as he made very clear, went to the guideline question and the withholding of money by the Department of Health, Education, and Welfare. This amendment goes directly to the power of the courts to deal with the constitutional question of the segregation of public schools contrary to the mandate of the Constitution.

It seems to me very clear that, in its thrust, it goes far beyond the Stennis amendment, and I think Senator COOPER put his finger on it when he said "it goes too far." Whereas Senator STENNIS affirmed to the Senate, in the most considerate way, that he did not seek to abate enforcement anywhere—in the South or anywhere else—there is no question about the fact that this amendment would materially abate enforcement because it would prevent any court from making a decree in any way involving busing, no matter how outrageous may be the segregationist practice of a particular area.

Lest we think that this is ancient history, we have these de jure segregation cases every day in the newspapers, including this morning. This morning we have a story about a case in Florida. It is a fact that in some school districts separate bus systems have been operated on the basis of race, one bus for transporting whites and another bus for transporting blacks. It is a fact that in school districts bus systems have been operated in such a way as to transport black or white students, as the case may be, past the nearest school to another school in which their race is a majority. It is a fact that schools have been deliberately located in the midst of a black neighborhood, which is arbitrary school gerrymandering; and you cannot deal with that situation if you are a court unless you have the power to say something about busing.

Finally, Mr. President—I do not want to repeat the argument of last night, which was very comprehensive—we speak about enslaving little children, busing little children, and so forth. I pointed out yesterday that it has been a longstanding practice of our country to require that educational requirements prevail, and that is why the one-room schoolhouse was eliminated in favor of the central schoolhouse. Many parents objected to that violently. That is why in the South and other parts of the country—but certainly in the South—Negroes never went to school because, though there might be one across the street, they had to go to a school miles away, which they could not afford to do, and there were no buses. Thus, Mr. President, there is nothing angelic about any of this.

The fact is, we all seem to be agreed that we want to follow the constitutional mandate, that we do not want, by amendments loaded onto the bill, to abate the constitutional mandate. Yet, this amendment will go directly to the heart of the ability to cope with enforcement of the Constitution of the United States.

Mr. PELL. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for one minute.

Mr. PELL. Mr. President, I shall support the senior Senator from New York's motion to table.

Personally, I believe that I am as opposed to indiscriminate busing as anyone in this Chamber. But, it is a question of degree. I think that the way the Governor of Arkansas put it might well be stated here, his words, paraphrased, were that:

> Judicious busing used with discrimination is one of the necessary adjuncts to the courts in trying to achieve, in certain areas, more of a degree of integration in the schools.

Indeed this is a good description of busing and one of which I approve. The proposed amendment would knock out busing whatsoever, thus making it impossible for the court to effectuate any type of integration order.

For that reason, I intend to support the motion to table.

Mr. JAVITS. Mr. President, it seems to be the opinion of many who feel strongly about the amendment—as strongly as I do—and I have consulted with them, that notwithstanding the same feeling that they will strike out busing any way they can, no matter how improvident it may be, the reach of the amendment, including the reach of the courts is of such a character that a number of my colleagues feel they would rather face the issue directly and vote it up or down.

Under those circumstances, Mr. President, I shall refrain from making a motion to table and allow the amendment to be voted on up or down.

Mr. ERVIN. I should like to thank the distinguished Senator from New York (Mr. JAVITS) for taking that attitude. I believe that is the best way to dispose of this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from Connecticut (Mr. DODD) in which he indicates his support for the amendment. I do this at his request.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

STATEMENT BY SENATOR DODD ON THE BUSING OF SCHOOLCHILDREN

Prior commitments make it necessary for me to be away from the Senate today, but if present, I would vote for Amendment No. 492, proposed by the senior Senator from North Carolina, to prohibit the Federal Government from transporting children to alter the racial composition of the student body at any public school.

I am well aware that school experience includes a great deal more than instruction in academic skills and disciplines, for the school is a social institution and the child learns much from his associations with children whose economic, social, and racial backgrounds are different from his own.

The integration of American schools has had my full support, and I have been concerned at the slow pace at which it has moved in many areas of the country. My overall record on civil rights legislation stands on its own, needing no defense.

However, I cannot in conscience support the proposal to uproot children from their neighborhoods and transport them some dis-

tance in order to achieve racial balance in the schools.

Serious questions exist as to whether the cause of civil rights would be served by forced school busing. Certainly, the cost to the children of all races and to their parents and to the community would be high if busing were mandatory.

Rather, let us continue to improve conditions and opportunities for our black citizens, economically, politically, and socially, so that there will be balance without busing.

I shall do whatever I can to make this a reality.

I commend the Senator from North Carolina for introducing this important amendment. I hope that it carries.

Mr. ERVIN. Mr. President, I also ask unanimous consent that there be printed in the RECORD headlines and an excerpt from an article which appeared in the Washington News of February 6, 1970, relating to 42 schoolbuses that were bombed in Denver because some people in Denver resented the busing of their children to schools.

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

BOMB 42 SCHOOLBUSES IN DENVER INTEGRATION

BLASTS WRECK DENVER BUSES—42 DESTROYED OR DAMAGED

DENVER, February 6.—Deliberately planted explosives ripped thru a school bus parking lot last night, triggering a blaze that destroyed or damaged 42 school buses.

The explosives were planted under gasoline tanks and one fire official, who did not wish to be identified, speculated the incident was related to a current Denver controversy concerning integration by busing.

DAMAGE HEAVY

"Forty-two buses were damaged, of which 22 were totally destroyed," said Acting Fire Chief Dan Cronin. "I'd estimate the damage at around a half million dollars.

"Forty firemen battled the blaze for over half an hour before they put it out," he said.

One school employe, identified as Charles Crow, was moving buses out of danger when he was struck in the back by flying debris. He was examined and released at a local hospital.

"I'd say it was the work of someone expert in demolitions," Chief Cronin said. "A high explosive, probably dynamite, was placed under the gas tanks of the 22 buses and set off at the same time, blowing flaming gas over other buses.

SOME BUSES SAVED

"The buses other than the 22 were damaged by fire and concussion," he said. "No buildings were damaged."

He said he estimated 10 sticks of explosives were used.

"We were still moving buses out while they were exploding and burning," said Joe Lorimor, 47, night foreman at the parking lot.

"We saved, I'd say, 25 buses from extensive damage out of the 83 that were in the immediate area of the explosion." He said he "was starting out the door when I heard the first explosion, but I didn't see any fire."

"I went trotting toward the sound when a terrific explosion shot fire 50 to 60 feet into the air," he said.

Mr. THURMOND. Mr. President, the pending amendment deserves the support of all Senators who are opposed to the busing of students for the purpose of changing the racial composition of the public schools. There is a great need for this amendment. Although the Congress has expressed itself before when the so-called Whitten amendment was passed in opposition to busing, bureaucrats at HEW have shown initiative and ingenuity in devising ways to avoid the intent of Congress.

This amendent accomplishes the purpose of preventing such busing in clear and straightforward language that will prevent those in HEW from finding any loophole. The amendment also removes jurisdiction from any court to order busing. Furthermore, this amendment does what it purports to do and nothing else. There are no hookers. There is no attempt to pull the wool over anybody's eyes. Simply put, this amendment prevents any government officials or employees or any court from transporting students for the purpose of affecting the racial composition of any public school.

Mr. President, almost everyone who has spoken out publicly on this issue has opposed busing. President Nixon both in his campaign and again the past week has made clear his support for neighborhood schools. There is no question that parents and students strongly oppose busing to accomplish integration. I believe it is fair to say that this extends to black citizens as well as white citizens.

Let us stop and think for a moment what is involved in busing. The most important consideration is the child himself. Suddenly he is told he cannot go to the school nearest to him which is often within walking distance. Instead, he must board a bus and be transported to a strange school in a strange neighborhood; and even though the child may be young, it does not take him long to figure out that this is because of his race. Whether it is a black child being bused from a ghetto to a suburb or whether it is a white child being bused into a formerly all-Negro school, the effect is the same. In the name of ending discrimination the child's race determines the school he attends, and the environment in which he lives and to which he is accustomed cannot be the environment in which he will be educated. This certainly creates a shock for a child and is naturally opposed by parents.

Mr. President, I believe the purpose of our schools must be to educate. If the time and the money and the human endeavor devoted to create unnatural schemes of student assignment were devoted instead to improving the quality of the education a child is receiving in the school most convenient to him, all children, both black and white, would benefit.

This amendment is needed. In spite of all the rhetoric opposed to busing from people of all races and persuasions and all levels of influence, we still find such conditions being imposed upon school districts by both federal judges and the Department of HEW under the threat of loss of Federal aid. Let us settle that issue once and for all by passing this amendment.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH (when his name was called). On this vote, I have a pair with the Senator from Connecticut (Mr. DODD). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Alaska would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 36, nays 49, as follows:

[No. 48 Leg.]

YEAS—36

Allen	Ervin	Miller
Bennett	Fannin	Murphy
Bible	Fulbright	Randolph
Byrd, Va.	Goldwater	Russell
Byrd, W. Va.	Gurney	Sparkman
Cannon	Hansen	Spong
Cook	Holland	Stennis
Cotton	Hollings	Talmadge
Curtis	Hruska	Thurmond
Dole	Jordan, N.C.	Tower
Eastland	Long	Williams, Del.
Ellender	McClellan	Young, N. Dak.

NAYS—49

Aiken	Hughes	Pastore
Allott	Inouye	Pearson
Anderson	Jackson	Pell
Baker	Javits	Percy
Bellmon	Jordan, Idaho	Prouty
Boggs	Magnuson	Proxmire
Brooke	Mansfield	Ribicoff
Burdick	McCarthy	Saxbe
Case	McGee	Schweiker
Cooper	McGovern	Scott
Eagleton	McIntyre	Smith, Maine
Fong	Mondale	Stevens
Goodell	Montoya	Symington
Gore	Moss	Tydings
Griffin	Muskie	Young, Ohio
Harris	Nelson	
Hart	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Church, against.

NOT VOTING—14

Bayh	Hartke	Mundt
Cranston	Hatfield	Smith, Ill.
Dodd	Kennedy	Williams, N.J.
Dominick	Mathias	Yarborough
Gravel	Metcalf	

So Mr. ERVIN's amendment (No. 492) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF FEDERAL CREDIT UNION ACT—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 18, 1970, pp. 3844–3845, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPARKMAN. Mr. President, I move adoption of the conference report.

The motion was agreed to.

VISIT TO THE SENATE BY A DELEGATION OF THE SPECIAL AUDIT COMMITTEE OF THE FRENCH NATIONAL ASSEMBLY

Mr. SPARKMAN. Mr. President, it is my privilege to announce to the Senate that we have a group of distinguished visitors in this Chamber at the present time who are members of a delegation from the Special Audit Committee of the French National Assembly.

Mr. President, I ask unanimous consent to have printed in the RECORD a short biographical statement on each one of our distinguished visitors.

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

BIOGRAPHIC NOTES ON THE MEMBERS OF THE DELEGATION OF THE FRENCH NATIONAL ASSEMBLY, SPECIAL AUDIT COMMITTEE

PIERRE BAS

Deputy of Paris to the National Assembly (Union of Democrats for the Republic) Chairman of the Special Audit Committee of the National Assembly.

Born on July 28, 1925, M. Bas, after obtaining a degree in law (licence-en-droit) and studying administration of French Overseas territories at the "Ecole Nationale de la France d'Outremer", held several administrative posts in French African territories and was a member of the staff of the Minister for Overseas France (1958) and of the Presidency of the Republic (1959).

Appointed a "Conseiller référendaire à la Cour des Comptes" (National Audit Commission) in 1962, M. Bas was elected the same year to the National Assembly and re-elected in 1967 and 1968.

He is a member of the Paris Council.

VIRGILE BAREL

Deputy of Alpes Maritimes to the National Assembly (Communist Group).

Born on December 17, 1889, M. BAREL is a retired school teacher.

Elected to the Chamber of Deputies in 1936, he was a deputy to the two National Constitutional Assemblies, and was elected to the National Assembly in 1946. He has been reelected in 1956, 1967 and 1968.

CLAUDE ROUX

Deputy of Paris to the National Assembly (Union of Democrats for the Republic).

Born on October 27, 1920, M. ROUX is a lawyer and a member of the Paris Bar. He was elected to the National Assembly in 1958, and reelected in 1962, 1967 and 1968.

He is a member of the Paris Council.

CHARLES DEPREZ

Deputy of Hauts-de-Seine to the National Assembly (Independent Republican).

Born on February 14, 1918, M. Deprez is a businessman. Elected to the National Assembly in 1967, he was reelected in 1968.

He is the Mayor of Courbevoie (Hauts-de-Seine), a suburban city of the Paris area.

ALAIN TERRENOIRE

Alain Terrenoire, Deputy for the Loire Department, was born in Lyons, June 14, 1941. He is the son of Louis Terrenoire, a Deputy and former minister.

After completing his studies in law he became assistant secretary general to the European Democratic Union Party in the European Parliamentary Assembly. He remained in this post from 1964 to 1967. From 1964 on, he was president of the Young European Democrats Union.

He was elected Deputy for the Loire in March 1967 and reelected in the June 1968 elections on the Union for the Defense of the Republic ticket. Mr. Terrenoire has been secretary general to the Parliamentary group of Science and Technology since December 1968, secretary general to the interparty group of young Deputies and as of April 1969, founder-president of the Center for Liaison and Regional Studies.

Mr. SPARKMAN. Mr. President, we are delighted to have these guests visit us today. I now ask them to rise and be greeted by the Senate.

[Applause, Senators rising.]

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. ERVIN. Mr. President, I call up my amendment No. 491 and modify it so as to read as follows:

No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

Mr. BYRD of West Virginia. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, I have modified my amendment, No. 491, to read as follows:

No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

The PRESIDING OFFICER. Will the Senator send the amendment forward.

The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) for himself and others proposes modified amendment No. 491 as follows:

AMENDMENT No. 491

Add at the end thereof an additional title and section appropriately numbered and reading as follows:

"No child shall be denied the right to attend the public school nearest his home which is operated for the education of children of his age and ability."

Mr. ERVIN. Mr. President, the amendment speaks for itself. The amendment undertakes to give every child the right to attend his neighborhood school. I am perfectly willing to waive argument on the amendment and to vote immediately.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TYDINGS. Mr. President, will the Senator yield so that I may ask a question?

Mr. ERVIN. I yield.

Mr. TYDINGS. Is the purpose of the amendment to legalize the freedom-of-choice operation of public school systems and public schools in the South of the Nation?

Mr. ERVIN. The purpose of my amendment is to give every child, black, white, or brown, the right to attend the school nearest his home which is operated for the education of children of his age and ability.

Mr. TYDINGS. What would be the effect of the amendment on so-called freedom-of-choice school plans which have, in effect, perpetuated the segregated schools systems in the South? Would it have the effect of saying that henceforth the so-called freedom-of-choice plans are quite proper regardless of their effect?

Mr. ERVIN. The amendment does not say that. The amendment states that every child shall have freedom to attend the public school nearest his home which is operated for the education of children of his age and ability.

Mr. TYDINGS. The legislative intent of the amendment is to go no further than the actual words of the amendment? It is not intended to relate to the so-called freedom-of-choice system which has been adopted in some States?

Mr. ERVIN. This is intended to mean exactly what it says, no more, no less. I am perfectly willing to waive argument or to agree to a 5-minute limitation and vote immediately.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, obviously a child cannot make a choice. Obviously, the choice is going to be made by the child's parent. They are not going to rely on the choice of a child at the age of 5, 6, or 7. If it is made by the parent, that is the freedom-of-choice plan. It can be said that the amendment means what it says, but I understand what it means, and it means to legalize the freedom-of-choice plan.

Again, contrary to what has been contended here so eloquently by the Senator from Mississippi (Mr. STENNIS)—and I tell the Senator from Mississippi now that, if I am a conferee, I will fight for his amendment as if it were my own; that is a Senator's duty, and that is the end of that—to have amendments which seek to abate the authority of the court to deal with de jure segregation, authority which is the law of the land, it seems to me, to use a cliche, is going too far.

I think that is the reason the previous amendment was rejected. It was not rejected on the eloquence of anyone. I do say that we should not go backward. It has been contended that we do not desire to go backward.

Mr. President, I hope the amendment is rejected.

Mr. ERVIN. Mr. President, this amendment has nothing to do with freedom of choice. It would not give the child the right to pick any school to attend, except the school nearest his home. It is purely the neighborhood-school proposition, and it would only give him the opportunity to go to the school nearest his age and ability.

Mr. TYDINGS. Would the Senator have any objection to adding the word "desegregated" to his amendment where it states "to attend the public school nearest his home" so that it would read "to attend a desegregated public school nearest his home"?

Mr. ERVIN. I think the child should have the right to go to the school nearest his home if it is desegregated. But what about other situations? In many communities they might have only one race. For example, we have Mitchell County in North Carolina where there are no colored children, and, under the Senator's proposal, he would have to go to a school which was desegregated.

Mr. TYDINGS. I mean a school which had complied with the law and which had been judged by the courts to have complied with the law.

Mr. ERVIN. I do not think there should be a modification of my amendment. If the Senators think children should not be given the right to attend schools nearest their homes that are available to them, they can vote the amendment down.

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

Mr. ERVIN. I yield.

Mr. LONG. I would like the Senator from Maryland to hear this. As I understand it, there is nothing in the amendment that says courts cannot order other children to be assigned to that school. The amendment does not interfere with that.

Mr. ERVIN. It does not interfere with school boards assigning children to a school, as long as the children do not want to go to a neighborhood school.

Mr. LONG. What the Senator is saying is that if a child wants to go to a school nearest his home——

Mr. ERVIN. He can go.

Mr. LONG. He can go, and, likewise, if someone else wants to send that child to another school, if the child does not want to go he cannot be made to go.

Mr. ERVIN. Yes.

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

Mr. ERVIN. I yield.

Mr. HOLLAND. As I understand the amendment, it is single in its purpose. It gives to no authority the right to deny the right of a child to attend the school nearest his home when the school serves pupils of that age and experience.

Mr. ERVIN. That is right.

Mr. HOLLAND. The child is not deprived of the right to go to another school which is legally open to him if, for some good reason, or reason known to himself, he elects to go there.

Mr. ERVIN. That is right.

Mr. LONG. Mr. President, if the Senator will yield further, if I understand the amendment, what the Senator is saying in his amendment is what I thought the original Brown case meant.

Mr. ERVIN. It is exactly what the Brown case meant.

Mr. LONG. It means that every child is entitled to go to the school nearest his home.

Mr. ERVIN. That is what the decision meant. If he wants to attend the school nearest his home, he has a right to go to the school. This amendment is in perfect harmony with the Brown case.

Mr. LONG. Since the Brown decision came down a lot of people have felt that integration is so good for a person that he ought to be required to have it whether he wants it or not, be he white or black.

Mr. ERVIN. That is right.

Mr. LONG. To illustrate how ridiculous some people can be, we have a fine Negro college in my hometown of Baton Rouge, La., which illustrates the problem at the college level. That college—Southern University—has a fine band, and 80 million people saw it perform at the Super Bowl game. That band is the pride of the South. It performed before the entire country. It is a great band. Joe Bellino, Heisman Trophy winner, sat behind me at the game and he said he had never seen a better half-time show.

So there is that fine Negro college at the north side of the city. Every Negro in that institution is eligible for immediate admittance to Louisiana State University. On the south side of the same city is Louisiana State University, where there is a considerable percentage of Negroes. Everybody in Southern can go to LSU, but someone from Washington proceeds to say Louisiana State must lose its racial identity and Southern must lose its racial identity, so that they must be made one, even though nobody at LSU wants it that way. Neither the students nor the faculty want it that way.

I always thought that the idea of the Brown decision was to confer rights on someone, but here is someone in Washington who seeks to deny both people their rights.

The Bible says, "Honor thy father and thy mother." To me, it makes some sense that one honors his father and mother by taking pride in his own people, and pride in what they can achieve. If these people prefer to go to Southern, can the Senator give me any reason why they should be compelled to go to Louisiana State University?

Mr. ERVIN. They should not be, if the United States is to remain a free society, and not a totalitarian police state. There is a difference between this amendment, No. 491, and freedom of choice. In freedom of choice, the child or the parent of the child can choose to go to one of several schools. This amendment only gives the child the right to go to the school nearest his home which is available for children of his age and experience.

Mr. LONG. The amendment would preserve the right of every Negro living in a white community to go to any white school nearest his home.

Mr. ERVIN. Yes.

Mr. LONG. If he were coerced or discriminated against, the court could issue an injunction against every citizen in that community, if need be, and could even require that the child be given passing grades and be treated as he should be; but it would guarantee him the right to go to the nearest school in his own community, and not be required to be bused across town.

Mr. ERVIN. Yes.

Mr. LONG. The Senator has offered a fine amendment. I do not see how anyone could contend that, if everyone else has a right to go to that school, the child who lives next to it should not be denied the right to go to that school.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee (Mr. GORE).

Mr. GORE. Mr. President, I must reluctantly oppose the amendment offered by the distinguished senior Senator from North Carolina and my friend. I do so, I believe, for very practical reasons. In earlier years I was superintedent of education in my home county. Therefore, I have had some experience with respect to school districts and assignment of pupils.

I respectfully call to the attention of Senators the fact that the proposed amendment does not necessarily relate to the transportation of children by bus or otherwise. If Senators will read the amendment—and I really doubt if my distinguished friend intends for it to be so all-inclusive—it would limit the power of a school board to assign students. The only criterion set up in the amendment is the public school nearest a student's home.

Senators know that school districts are drawn with respect to blocks and neighborhoods. There might very well be a very busy thoroughfare of four lanes, limited access——

Mr. BYRD of West Virginia. Mr President, will the Senator yield?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. Or the school nearest his home might be overcrowded.

Mr. GORE. This is another reason. Let me finish with the highway illustration.

Let us assume that there is a limited access highway. There is a school building within a block, on the north. The throughway may be the dividing line between the two districts. Yet a large number of schoolchildren living in a district south of the throughway may be only 300 yards away from the school building to the north, yet for very good reasons they are assigned to a school south of the throughway. The only criterion set up in the amendment is "nearest his home."

So I say there are physical and geographical reasons why the amendment should not be adopted.

Other than that reason, which is a real and geographical reason, what is sought by the amendment is to place limitations upon a school board, not upon a Federal official. Does the Senate wish to do that? I have doubts that it should.

There are other reasons, such as the one raised by the Senator from West Virginia.

There may be a new school building within a school district with a large tenement house nearby, but an additional school three blocks away, and the school officials wish to make assignments in a very practical way.

I very strongly endorse the neighborhood concept of schools.

I came to appreciate, through my experience, the contributions of the community, the Parent-Teachers Association, the community spirit, the community pride in the school, and the effect it had upon the discipline and upon the morale in the school.

But that is not involved here. The test is entirely too narrow, and the limitation, it seems to me, would create administrative chaos for the local school and administrative authorities. I hope the Senator will not press his amendment. I do not wish to detain the Senate, but it seems to me that this is something that the Senate should not undertake to do.

Mr. ERVIN. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I think my distinguished friend from Tennessee has not carefully read the amendment. The amendment does not require the child to go to the school that is nearest to him. Very far from that. The amendment says that no court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child, to withhold from any child, the right to attend the public school nearest his home, which is operated for the education of children of his age and ability.

This simply gives the student a right to attend, if he wishes to, or if his people wish him to, the school that is nearest to him. I questioned the Senator about this is an earlier colloquy, and he made it very clear that the proposal was not designed at all to prevent the child from going to another school, provided the law of the area or the law applicable at the time permitted him or her to be eligible to attend there. The amendment simply says that a child cannot be denied the right to go to the nearest school by any Federal agency. I see nothing wrong with that.

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

Mr. HOLLAND. I am glad to yield.

Mr. GORE. The distinguished Senator from West Virginia brings up the question, Suppose that students, for some very reasonable justification, are by the school board assigned to attend another school, to which they must be transported by bus? It is an assignment not because of race or religion, but because of a local administrative reason which the local authorities consider sound, sufficient, and justified.

Or, to put a strained interpretation on it, let us consider the question of discipline. Suppose that a child is attending one school by assignment, 10 blocks from his home, but there is another school eight blocks from his home. Suppose the child becomes an incorrigible in school A and he wishes to leave that school and go to the other. There may be two blocks difference. Yet what is the test? The only test is "nearest to his home, operated for children of his age and ability."

How are you going to test his ability? There may well be differences in ability. School officials may have, and indeed they do have, classrooms for advanced children, for precocious children, and they have other classes for children who are retarded. This amendment would deny a school board the right of assignment except on the basis of distance, unless they wished to make some official determination of the comparative ability of the child.

This is a limitation on the authority of a school board. I doubt if we want to do that; and I respectfully urge that it not be done.

Mr. HOLLAND. Mr. President, my understanding of the amendment is quite different. My understanding of the amendment is that no child can be denied the right, if he wishes to assert it or if his parents wish to assert it, to attend the school nearest to where he lives, provided he is of the age and ability to go to that school. He can go to other schools if his parents or guardians want him to go to other schools, or if the child wishes to go to another school and they approve it. There is nothing in the world to prevent it. The amendment simply says he cannot be denied by a Federal agency the right to attend the closest school. I do not believe the Senator would want to deny him that right.

Mr. ERVIN. Mr. President, I should like, in line with the suggestion of the Senator from West Virginia, to modify my amendment. I ask unanimous consent to modify my amendment so as to add, at the end thereof, the following words: "if space is available for him in such school."

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ERVIN. I ask unanimous consent to make the modification.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the amendment will be so modified.

Who yields time?

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to speak in opposition to this amendment, and I do so with the greatest reluctance, because I am fully sympathetic with what I think the distinguished Senator from North Carolina is trying to achieve.

In my State of Wyoming, we have a number of school districts, many of which have different mill levies to meet the requirements of their school systems; and, as I read the amendment, without modification, it occurs to me that, if I were a resident of one school district, and a school was present in an adjoining district nearer me than the school being provided by my school district, I could assert my right to go outside my school district.

I further interpret the amendment to imply that I might even go across the State line. It happens that in my home county of Teton, within one school district in that county there is no high school. I can see no reason why I could not say, being a resident of Wyoming, that I would prefer to go across the State line into Idaho to the nearest high school, and the court would be denied the right to tell me that I had to go to a high school within my own State or my own school district. Is that correct?

Mr. ERVIN. You cannot go to a high school in another State, under existing law, unless the other State passes a law authorizing it.

Mr. HANSEN. What about a grade school?

Mr. ERVIN. That is true of a grade school also. In other words, you cannot go to a school anywhere unless the law of the State which operates the school makes you eligible to attend that school.

Mr. HANSEN. I think the amendment is unclear in that regard. The way I read it, it would certainly leave that a very gray area. If I were to appeal from the decision——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield 2 additional minutes to the Senator from Wyoming.

Mr. HANSEN. If I were to appeal from the decision of the school board, even on a county basis, is there anything in this amendment which would preclude a resident of one county crossing a county boundary line, if a school in that county were the nearest school?

Mr. ERVIN. It would not authorize him to go to another county unless the State law authorized him to do so. In other words, that would depend on the State setup or how the State supports its schools.

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

Mr. HANSEN. I yield.

Mr. GORE. That would bring up the question, What is a right? This is sup-

posed to be a Federal law. Now, we would have a Federal law which says no child shall be denied a right.

Mr. HANSEN. Would that strike down any State law?

Mr. ERVIN. No.

Mr. GORE. If the Senator will yield further, who knows? Certainly a Federal law is superior to a State law, if it is a Federal law. Therefore, if we say that no child shall be denied a right, then we have got to understand what a right is.

What right does a child in Memphis have to go to a school in West Memphis, or a child in Mississippi to go to a school in Memphis? Shall we deny the school board of Memphis its disciplinary authority and jurisdictional authority, or shall we say that a child has a right to go to the school nearest him? That is what the amendment says.

Mr. HANSEN. That is the way I read it.

Mr. ERVIN. The Senator from Tennessee knows it is a fact that we are a Federal legislative body. We have no jurisdiction to pass laws affecting the internal management of schools in the States.

This would only prohibit Federal authorities from denying a child the right to go to his neighborhood school. That is all it would do. The Senator from Tennessee has conjured up a lot of imaginary legal ghosts that do not exist.

Mr. BYRD of West Virginia. Mr. President, will someone yield me 2 minutes?

Mr. PELL. I yield 2 minutes to the junior Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

Mr. President, the Senator from Tennessee has not conjured up situations which are far stretches of imagination. As the former chairman of the Appropriations Subcommittee on the District of Columbia for 8 years may I say that we had that very situation in the District of Columbia, in which problem children—children who were troublemakers, if I might use that term, in their school—were taken out of their school and put in a special school. I do not know whether such special schools still exist in the District of Columbia. But the Senator from Tennessee has put his finger on a realistic situation which can very well arise. Under the pending amendment, such children could not be placed in such a special school if they chose to attend a closer school.

I am very sympathetic to the intent of the amendment. I do not question the ability of the Senator from North Carolina to draw an amendment in the proper verbiage to deal with whatever problem we hope to deal with. But there is nothing in his amendment which deals with race. After all, it was the 1954 decision which said that children could not be assigned to school on the basis of race or color. The Senator's amendment does not go to that question. I would join with him in an amendment properly worded which provided that children could not be assigned to schools away from their neighborhood schools purely on the basis of race or color. But his amendment does not do that.

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

Mr. PELL. I yield 2 additional minutes to the Senator.

Mr. BYRD of West Virginia. It gets into many situations which present practical problems, and I think it would handcuff the local authorities who are trying to deal with these practical problems and who are not attempting to make assignments on the basis of race or color, necessarily.

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

Mr. BYRD of West Virginia. I yield.

Mr. GORE. The Senator and I both have had some experience in the educational field. The Senator brings up the question of the disciplinary problem, the incorrigible child who is assigned to a special school.

Mr. BYRD of West Virginia. Yes.

Mr. GORE. There is the other situation of the precocious child, who, left in a normal classroom, himself becomes a problem because of his precocity. Then there is the slow learner. We do not like to talk too much about that, but there are those who need to be placed in schoolrooms with children of their comparable intelligence quotient.

I do not think the Senate wants to get into the business of measuring this sort of thing. It would apply not only to a city like Washington, but also to a city like Memphis and to a city like Nashville, Tenn., and even to some of the rural counties.

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

Mr. BYRD of West Virginia. Mr. President, I have the floor, have I not?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. I merely want to say that I hope the able Senator will withdraw his amendment. I think the defeat of this amendment could be misinterpreted by the people throughout the Nation and could do damage to a cause which he hopes to serve by his amendment.

Mr. ERVIN. I was going to ask unanimous consent to withdraw that amendment and send to the desk another amendment which meets all the objections that have been voiced against it, except the one about the incorrigibles, and I think that would be best left to State law.

I ask unanimous consent that I be allowed to withdraw this amendment, notwithstanding that the yeas and nays have been ordered, and propose another amendment.

Mr. JAVITS. Reserving the right to object, and I shall not object, just by way of getting a little idea from the Senator from North Carolina of the situation, we understand that the Senator from North Carolina's amendments are probably the only ones—we do not know—with one exception on this side of the aisle. I wondered what the Senator's design was. I ask this only because the minority leader is standing by because we have asked him to do so. We would like to give him a little information as to the number of amendments the Senator proposes to offer.

Mr. ERVIN. I propose to withdraw this amendment and offer another, and I will agree to a 5-minute time limitation on the other one.

Mr. JAVITS. Could the Senator give us an idea of the number of amendments he proposes to call up—just an idea?

Mr. ERVIN. I think this is the last amendment I will offer.

Mr. JAVITS. I have no objection.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to withdraw the amendment that I proposed a moment ago.

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

Mr. ERVIN. I now offer the following amendment, and I will read it:

No department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

The clerk will read the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment—at the end of the bill, add the following:

No department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

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

Mr. ERVIN. I yield.

Mr. LONG. Mr. President, I commend the Senator for his amendment. I hoped very much that the Senator would not relent in his desire to do what he was trying to do, and that is to preserve for the children and parents of this Nation one of their most precious rights, at least one right that once existed, which should certainly be the right of all parents, under the usual circumstances, to send their children to the school nearest their homes. That is something everybody can understand.

As I understand it, the way the Senator has now modified the amendment, it meets all the problems that have been raised by the Senator from Tennessee, the Senator from West Virginia, and others. It is a simple matter that if, under State law and by the procedures of the local school board, a child would ordinarily be assigned to the school nearest his home, then that child shall be entitled to go to that school. That preserves the right of the Federal court to put as many other children as they want to in that school, provided those children do not prefer to go to the school nearest their homes.

So that it gives the right—speaking of a typical situation—for the Federal courts to put all the Negro children they want to in the white schools, provided the Negro children are willing to go. But it does not give them the right to impose upon the Negro children and the

white children when neither wants it that way.

I say to the Senator that this is a precious right that anybody who has ever been confronted with the problem understands, and it is a precious right that anyone who even contemplates being confronted with the problem can understand—that if a child wants to go to the school nearest his home, he ought to have that right.

I applaud the Senator for considering the arguments and for modifying his amendment so that there can be no doubt about what he seeks to do to preserve to the parents and the children of this Nation a right that has been theirs even before there was a Constitution, and a right that we thought the Constitution was here to protect, not to destroy.

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

Mr. ERVIN. I yield.

Mr. TALMADGE. I compliment the Senator for offering his amendment. I would point out that it is in accord with a decision of the Fifth Circuit Court of Appeals that was handed down the day before yesterday.

I hold in my hand a clipping from yesterday afternoon's Washington Star, captioned "Court Backs Neighborhood School Concept," by the United Press. It reads as follows:

> One of the nation's second-highest courts says there's nothing legally wrong with a true neighborhood school system.
>
> The U.S. 5th Circuit Court of Appeals in New Orleans yesterday defined such a system as one in which pupils are assigned to the school nearest their homes without exception.
>
> "Under the neighborhood assignment basis in a unitary system, the child must attend the nearest school whether it be a formerly white school or a formerly negro school," the court said.
>
> The observation came in a ruling that Grange (Orlando) County, Fla., was not strictly adhering to such a basis, which would desegregate 8 of the 11 all-black schools in the county. The other three black schools "are the result of residential patterns," the court said.

Now, Mr. President, of course, in many areas of the South the Department of Health, Education, and Welfare and sometimes the courts have been assigning children to different schools.

Mr. BYRD of West Virginia. Mr. President, will the Chair please insist on order in the Senate. There are too many conversations going on. The Senator has a right to be heard. If only one Senator wishes to listen to him, he has that right. I hope that the Chair will enforce the rules of the Senate with respect to order and decorum.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. TALMADGE. Mr. President, they have been assigning students to schools arbitrarily and capriciously. In some instances, they have been required to travel 20 to 30 miles in a school bus, which sometimes takes 2½ to 3 hours a day, when frequently they would live within the shadow of the nearest school.

I received a letter from a woman in my State a few days ago, which I have placed in the RECORD on two separate occasions, which is one of the saddest things I have ever received in my public career.

This particular lady happens to be the wife of a serviceman in the Air Force who is now assigned to Taiwan. In her effort to help support the family, she is a nurse in a doctor's office, with an income of $65 per week. She has six children. The youngest is 7 years of age and the oldest is 15 years of age.

The six children have been assigned to five different schools in La Grange, Ga. The total distance to deliver the children to those five different schools is 11.5 miles. If she carries them by automobile, it would be a round trip of 22 to 23 miles. If she sends them to school in cabs, the cab fares would be from $22 to $23 a week out of her $65 a week salary.

No school buses are provided in La Grange, Ga. So think of the impossible situation this woman is having trying to educate her children.

It is a travesty. It is a monstrous proposition.

If something like that were going on outside the South, Members of the Senate would not put up with it for 15 minutes.

To think that in a free society there could be a woman with six children of school age, these children having to go to five different schools.

It is a perversion of freedom as we know it in our republican form of government.

Mr. President, I hope that the Senator's amendment will be approved, and that the Senate can demonstrate to the world that it is not going to have our schoolchildren shuttled about as if they were commodities in interstate commerce instead of human beings. It should be stopped.

Mr. ERVIN. Mr. President, I modify my amendment further by inserting the word "court" between the words "No" and "department," so as to read:

> No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

Mr. JAVITS. May I ask the Senator, does this require unanimous consent?

Mr. ERVIN. No; it does not require that.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JAVITS. I want to know what the Senator has done here. Perhaps the Chair could advise me how the amendment has been drafted which the Senator just read, and how does it differ from the one he sent to the desk.

Mr. ERVIN. Let me say to the Senator from New York that I restored the word "court." In other words, here is the way it will read.

Mr. JAVITS. I will save the Senator's breath on that. He just put the word "court" back in?

Mr. ERVIN. Yes; in other words, the amendment will read:

> No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability and which is open to him under State law.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it seems to me—and I would like to speak rather deliberately here because I think I see what is happening—that this is not congenial either to the bill or to the policy of the United States, no matter who interprets that policy.

Mr. President, the amendment now seeks to ride on the feeling that people have for neighborhood schools in order to do precisely what the last amendment sought to do and failed, which is to negate the efforts of the courts to deal with de jure segregation.

The fact that the Senator felt it necessary to restore the word "court", it seems to me very clearly indicates that.

Obviously, we will limit materially the opportunity of the court to write a decree. The court will be latched to the fact—any court—that whatever is the school nearest the child's home, that school is the one the child must go to, without any regard to any other consideration. That is what the amendment would make Federal law, unless there were some kind of redistricting system of a State—which we know nothing about—and which may be a subject of contest in litigation. But litigation regarding a new school district, by this amendment, including busing, if that should be necessary, or a change in busing patterns, is immediately inhibited on the part of a court.

Mr. President, we have to make up our minds which way we are going. This is a totally new body of amendments. As I said before, with respect to the Stennis amendment, that was clearly set forth, but I think I understand the drift of the pending amendment. We are now considering as effectively as we can with respect to racial imbalance—that is what it is—the question of de facto segregation as we are de jure segregation. Express representation was made to us all that there would be no effort to abate our national purpose in respect of school segregation by virtue of unconstitutional laws of one kind or another.

Now, lest everyone thinks that situation stopped in 1954 because the Court made a decision, I should like to refer my colleagues to the case of Green against the School Board of Virginia decided in 1967 in which the Court said in its decision:

> One statute, the Pupil Placement Act, not repealed until 1966, divested the court both of authority to assign children to particular schools and placed authority in a State placement board.

Mr. President, what are we inviting by this amendment, if not exactly that?

Are we not now starting on that road which can really lead to disrespect for law in this country and start back rather than broadening our jurisdiction and making for uniformity and fairness and equity?

Are we not, in another guise, in another concatenation of all this, starting us on the road back from the enforcement of segregation which is against the Constitution and against the Civil Rights Act of 1964?

It seems clear to me that the entire amendment is exactly designed toward that end. We are sought to be entrapped, as it were, by a certain appeal to the invidious—I withdraw that, I strike it—we are sought to be drawn in along this road by, first, the popular feeling which so many parents and people share that they do not like busing, and now by a popular feeling, which so many people share, for the neighborhood schools.

But, Mr. President, we are Senators. We are not just hitting and running. We are not thinking of these things for the first time.

We have to operate an enormously complex system of Government. And we realize that simplistics like this will not work.

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

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 55 minutes remaining.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, could the Senator from New York give a few examples or an example as to how this amendment, if it were agreed to, could be used to frustrate the eliminating of discrimination?

Mr. JAVITS. Mr. President, I have three examples of things which have actually been done to frustrate the discrimination.

This is another way of dealing with the problem. In some school districts, separate buses have been operated by race—for example, one bus for all the white children and one bus for all the black children.

In some school districts buses have been operated in such a manner as to transport children, black and white, to the nearest school which has a majority of his race.

Here is the last example. It has been established that a school had been deliberately located in a district by the school board for the purpose of segregation.

This is an affirmative action preventing action by the school board itself. It is binding on the local school board and the court.

That is a very sharp case in point.

Talk about Federal control of education, which has been one of the sacred cows, we are circumscribing the power and authority of every school board.

Mr. MONDALE. So that if the Federal courts in seeking to eliminate discrimination decided that the necessary remedy included school busing different from that which the school board was resorting to, there could be occasions when this amendment would prohibit the school board from pursuing the order, if it were issued.

Mr. JAVITS. And what about the pedagogy? We have in New York—and I am sure other Senators have the same situation in their States—the so-called 600 schools. They are schools for especially difficult children. They may have to leapfrog a school to get there. I certainly would not want to put a child that I know would be an absolute disaster to a school into the school because of the amendment.

State law would not deal with it. Perhaps the school board itself has decided that in the best interest of the child that is how it should be handled. It may be that a court in order to bring about a constitutional mandate has intervened.

It is a very unusual way of bringing about compliance with the law. There are some schools in which there are certain grades. It would knock out or reduce that option as far as the courts are concerned. I think it is a question that we must wrestle with. I know that there is very deep feeling about the neighborhood schools.

The question is how can we best encourage this? Can we best encourage it in this way which, it seems to me, gives an enormous advantage, instead of obtaining highly dubious results, if we get them at all. Of course, there are other considerations. There is the consideration of how we run our courts and how we use our money which, I am sure everyone will agree, results in giving the advantage in the overwhelming majority of cases to the neighborhood schools.

Mr. MONDALE. Mr. President, it strikes me that in many cases those of us who have spoken out against discrimination of local schools have been charged with being against the neighborhood school concept and for busing.

Is it not the case that, almost by definition, when we sort our children not on the basis of geography or proximity to a school, but on the basis of color that in most cases it would require more busing and do more violence to the neighborhood school children than otherwise?

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

Mr. PELL. Mr. President, I yield an additional 5 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. I think it does. And we are all men and we know very well that school buses are designed and the whole tendency of the school boards is that they are intended to patronize the neighborhood school.

We do not have to use a law for that. What we have to do is to be careful and not compel them by whatever measures we adopt to unduly disrupt the neighborhood school.

They want them. They are elected people. They are not going to be defeated.

So, it is patterned for a purpose. And the purpose is to skin the decrees in another way than the previous amendment. That is what it comes down to.

I hope very much that Senators are sophisticated enough to see through the facade.

I am not finding fault. I think the Senator should dress up his amendment in the best way he can in an effort to get it agreed to.

It seems to me so obvious that under the guise and color of our feeling for neighborhood schools, again we are going to be asked to disapprove an effort to desegregate schools which had been segregated for a long time.

I do not think it is wise or provident for us to become a party to the effort. We know these things. We could bring up any number of a large variety of issues. We could follow our sentiments and say that, whether legal or illegal, nothing that is pornographic should be distributed in the United States. We are told that everyone could vote for it, that it was a worthy objective. But, would a Senator be worthy of his name if he did not inquire what this was all about, what it was confined to, whether it included certain classifications? Perhaps some people might think that Shakespeare or Chaucer are pornographic.

They have a right to their opinion. I have served in the House of Representatives and I have served in the Senate. In the other body, that is a very popular thing. The theory has been that no Member can vote against it.

I voted against it, and so did the majority. We are not children. And the people did not send us here to be children.

This is another way of starting on the road back in an effort to deal with unlawful segregation in public schools. I hope that we will not be taken in by it.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, I am not certain of the meaning and implication of the words the distinguished Senator from North Carolina has added to his amendment, "which is open to him under State law."

I call to the attention of the Senate that the pending amendment is not limited to busing. This is much broader.

I have voted on every occasion accorded me to deny the authority for the Federal Government to require transportation by bus of public school students in order to achieve racial balance.

I voted on every occasion when I had an opportunity to prohibit the use of U.S. funds for that purpose. I submit that the pending amendment appears to be much broader. I do not wish to try to undo or repeal the decision in the case of Brown against Board of Education. I am not at all sure that the adoption of the

pending amendment would not seek, insofar as statutory law would so accomplish, to do just that.

If it were provided by statute that no Federal official or agency or court shall have authority to interfere with the assignment or in any way affect the assignment or right of assignment for any purpose whatsoever so long as such school was opened under State law, then it would seem to me to strike at the very principle of Brown against Board of Education. This, I do not wish to do.

It may be that my interpretation is not well founded but surely this would be a very far-reaching amendment for the Senate to adopt with very limited debate, and with the amendment not even printed in its present form. I am not prepared to vote for the amendment under present conditions.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I wish to associate myself with the views which have been expressed by the Senator from Tennessee. Let me reiterate what I have said many times. I am against segregation, because that is no longer the law of the land. It has not been the law of the land since the 1954 Supreme Court decision. At the same time, I am not in favor of going one centimeter beyond what the law of the land requires. So I am against forced integration. The 1954 decision in the Brown case did not require forced integration; no Federal statute requires it. So I agree with the intent of the Senator from North Carolina, but I am afraid I cannot support the amendment as it is written.

I do hope the Senator will withdraw the amendment. If it is the intent of the Congress to restrict or limit the jurisdiction of appellate courts we can do so under the Constitution. I think we should do that if it is what we want to do. But I am concerned about the use of the word "court" in this amendment.

I would be willing to vote for the amendment if it dealt only with departments, agencies, officers, or employees of the United States, and so forth; but I am not willing to vote for the amendment with the word "court" therein.

The antibusing amendment on which we voted a while ago, which was rejected, had the word "court" therein. I voted for that amendment, but I believe the defeat of that amendment is going to be misinterpreted in this country and that it will be misinterpreted by the courts of the country. I think the sentiment of this body is against forced busing or forced assignment of pupils on the basis of race or color. I think that had the antibusing amendment been drawn differently the outcome might have been favorable.

I hesitate to support amendments, the defeat of which will be misinterpreted, and which will do damage to the cause which the Senator from North Carolina seeks to serve and which I seek to serve.

I say that if we want to get at the courts there are two ways. First, it can be done by the kind of appointments that are made to the Court. This is the prerogative of the President of the United States and it is the responsibility of the Senate to confirm or reject appointments. The President of the United States is attempting to meet his responsibility by restructuring the Court, and I think he is not only going to balance the Supreme Court but also that he is making an effort to balance Federal district courts and circuit courts. That is one way to deal with the courts. The other way I have already alluded to, and that is by restricting or limiting the appellate jurisdiction of the courts. If we want to do that, let us do it, and I would be for it.

But I do not think we should resort to the verbiage in this amendment. I hope the Senator will strike the word "court" or withdraw the amendment, and let us fight the battle another day when we might win.

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

Mr. PELL. I yield 5 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, I concur with the Senator but I wish to ask the Senator about something the able Senator said. I wish to call to the Senator's attention that when you reinsert the word "court" and then add the words at the end of the paragraph "and which is open to him under State law" you certainly bring into question a constitutional question, settled by the case of Brown against Board of Education.

Mr. BYRD of West Virginia. I think that is so. I wish to say that I am for the neighborhood-school concept as strongly as is any Senator who represents a Southern State. I do not represent a Southern State, but I think this is the wrong way to go about achieving the objective the Senator seeks. I want to defend the neighborhood-school concept, but I am afraid we are doing the neighborhood-school concept an injustice today if this amendment is defeated, as I fear it will be. I hope the amendment will be withdrawn.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, will the Senator yield to me for 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I take this time merely for a point of clarification to understand what is pending before the Senate, because as a result of advice by the staff I may not understand what amendment is before the Senate. I had understood the word "court" had been stricken, or that the amendment had been modified by striking the word "court".

I wonder if the Senator from North Carolina can enlighten me?

Mr. ERVIN. I have modified the amendment to put the word "court" back in because that is the thing exercising most of this power denying children the right to return to neighborhood schools.

Mr. GRIFFIN. I thank the Senator from North Carolina.

Mr. ERVIN. This amendment is simple. It is designed to keep any agency of the Federal Government, including courts, from denying to any child the right to attend a neighborhood school if he is permitted by State law to attend that school.

Mr. President, I am perfectly willing to yield back the remainder of my time and vote on the amendment.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me 1 additional minute?

Mr. PELL. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, again I say I am against forced segregation. If we leave the word "court" in this amendment we are hamstringing, straitjacketing, and handcuffing the courts in many instances where they might have to act contrary to the verbiage of the amendment in order to uphold the Supreme Court decision in the 1954 case.

I hope the Senator from North Carolina will withdraw his amendment. Otherwise I am going to be constrained to move to table the amendment when all time has expired on the amendment in order that the defeat of the amendment will not be interpreted throughout the land as putting the Senate in the position of opposing the neighborhood school concept. I think that would be a misconception of the true sentiment in this body.

Mr. COOK. Mr. President, will the Senator yield to me?

Mr. PELL. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia. I voted for the last amendment and I wish the word "court" were not in there. I think a number of other Senators would have voted for it if it had not been.

Mr. BAKER. Mr. President, will the Senator yield to me for 1 minute?

Mr. PELL. I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Kentucky and the distinguished Senator from West Virginia. I voted against the previous amendment, and I did so largely on the basis that I was fearful that the inclusion of the word "court" would be interpreted as an encroachment on the jurisdiction of the court and in violation of the Constitution.

Mr. ERVIN. I beg the Senator's pardon. Yesterday I had printed in the RECORD 31 citations where the Supreme Court has held that, under the provisions of the Constitution, Congress has the right to limit jurisdiction, if Congress sees fit.

Mr. BAKER. And if the distinguished Senator from North Carolina will recall, he and I had much the same colloquy when we dealt with the one-man, one-vote decisions of the Supreme Court of

the United States. At that time I made the point that I agree that the Constitution does provide that Congress may prescribe the jurisdiction and the applicable scope of the conduct of the inferior and appellate courts and the appellate jurisdiction of the Supreme Court, but it cannot do so if the prescription of a procedural matter infringes on generic and basic constitutional rights. I fear that your amendment would have had this effect, and I voted against it.

Without going into the extended debate that the distinguished Senator from North Carolina, a distinguished jurist, and I had more than a year ago on this point, it is sufficient to say that I would hope, for my part, in order to avoid any misunderstanding as to what Congress means on the issue of busing, that he would remove the word "court" from all three amendments. Then if he brought up amendment No. 492 again, rather than vote against the amendment, as I previously did, I would vote for it.

Mr. ERVIN. I appreciate that statement of the Senator from Tennessee.

As a matter of fact, Mr. President, the relief I am trying to get for the freedom of the American people cannot be gotten unless the word "court" is in there. I would like to have a vote on this amendment. I am sorry the Senator from West Virginia says it curtails the court by this language. If the Senator wants to say the courts shall not be deprived of denying the right of schoolchildren to attend neighborhood schools, he can do so, but that is the only way this provision will give them protection.

In the McCardle case a man was denied his freedom of speech guaranteed by the first amendment in the writing of editorial. Then they undertook to deny the right of a citizen not to be tried by a military tribunal, which the Supreme Court held was unconstitutional. He was denied his constitutional rights. Yet after that decision was made by the Supreme Court, the Congress passed a law to take away from the Supreme Court jurisdiction in which it had already ruled.

Despite my admiration for the Senator from Tennessee, I believe his view on that point is erroneous.

Mr. BAKER. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Tennessee, and then I am prepared to yield back the remainder of my time.

Mr. ERVIN. Mr. President, I may say to the Senator from Tennessee that I will offer the entire busing amendment with the word "court" stricken out as an amendment after this amendment is disposed of.

Mr. BAKER. Mr. President, I am delighted to hear that. I sincerely hope the Senator will. I think we are in danger of confusing the public as to what Congress means. I want the RECORD to show that I am opposed to busing for the purpose of achieving racial balance, but I do not think we can circumscribe the constitutionally-based decisions of the Supreme Court by statute. Therefore I hope the Senator will offer the amendment without the word "court" in it, and I shall vote for it.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

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

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

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, with great respect for the able Senator from North Carolina, I move to table the amendment, and I do so to prevent what otherwise would be a misconstruction of the action of the Senate on that amendment. I do it with reluctance, but I move to table the amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 58, nays 24, as follows:

[No. 49 Leg.]

YEAS—58

Allott	Griffin	Pastore
Baker	Hansen	Pearson
Bayh	Hart	Pell
Bellmon	Hughes	Percy
Boggs	Inouye	Prouty
Brooke	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Cannon	Magnuson	Saxbe
Case	Mansfield	Schweiker
Church	Mathias	Scott
Cook	McGee	Smith, Maine
Cooper	McGovern	Spong
Cotton	McIntyre	Stevens
Dole	Miller	Symington
Eagleton	Mondale	Tydings
Fong	Montoya	Williams, Del.
Fulbright	Moss	Young, Ohio
Goodell	Muskie	
Gore	Nelson	

NAYS—24

Allen	Fannin	Murphy
Bennett	Gurney	Russell
Bible	Holland	Sparkman
Byrd, Va.	Hollings	Stennis
Curtis	Hruska	Talmadge
Eastland	Jordan, N.C.	Thurmond
Ellender	Long	Tower
Ervin	McClellan	Young, N. Dak.

NOT VOTING—18

Aiken	Gravel	Metcalf
Anderson	Harris	Mundt
Cranston	Hartke	Packwood
Dodd	Hatfield	Smith, Ill.
Dominick	Kennedy	Williams, N.J.
Goldwater	McCarthy	Yarborough

So the motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from North Carolina (Mr. ERVIN) for himself and others proposes an amendment—at the end of the bill, add an additional title and section appropriately numbered and reading as follows:

No department, agency, officer or employee of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

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

Mr. ERVIN. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, with the approval of the author of the amendment and the managers of the bill and the leadership on the Republican side, I ask unanimous consent that there be a time limitation of 20 minutes on the amendment, the time to be equally divided between the distinguished senior Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Rhode Island (Mr. PELL).

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. And amendments thereto.

Mr. COOPER. Mr. President, reserving the right to object——

Mr. HOLLAND. Mr. President, I understood it was to be addressed just to this amendment.

Mr. MANSFIELD. All amendments to this amendment.

Mr. HOLLAND. I make no objection.

Mr. COOPER. Mr. President, reserving the right to object, I want to ask three questions of the Senator from North Carolina which may determine my vote.

Mr. JAVITS. We have time on the bill.

Mr. President, how much time remains on this side on the bill?

The PRESIDING OFFICER. 90 minutes.

Mr. MANSFIELD. There is plenty of time.

The PRESIDING OFFICER. Without objection, the time limitation is agreed to.

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, a number of Senators who voted against my antibusing amendment because of the intrusion of the word "court," have suggested that I offer an amendment with the word "court" eliminated. This is precisely what the amendment would do:

No department, agency, officer, or employee of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

It is identical with the other amendment except it does not apply to the courts.

Mr. PASTORE. Mr. President, do I understand correctly that the words here, "officer, or employee of the United States" do not mean to include a judge?

Mr. ERVIN. Yes.

Mr. PASTORE. Is that correct?

Mr. ERVIN. Yes.

Mr. PASTORE. In other words, this is applicable only to the executive department—officers and employees of the executive department?

Mr. ERVIN. That is right.

Mr. PASTORE. Then the way the amendment is worded does not mean to include a judge as an officer of the United States, not according to the amendment?

Mr. HOLLAND. The Senator stated it correctly by his explanation.

Mr. PASTORE. Should it not read, then—

No court, department, agency, or officer, or employee of the executive department . . .

Why does not the Senator add that in there?

Mr. ERVIN. Yes. Mr. President, I modify my amendment so as to read:

No department, agency, or officer, or employee of the executive department of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

Mr. President, if no other Senator wishes to speak on it, I am perfectly willing to yield back the remainder of my time.

The PRESIDING OFFICER. The Chair would ask the Senator from North Carolina, is he modifying his amendment and, if so, that can be done only by unanimous consent.

Mr. ERVIN. Mr. President, I ask unanimous consent to modify my amendment as already stated.

Mr. JAVITS. Mr. President, may we know what the modification is?

Mr. ERVIN. I have modified it by inserting on line 2 the words "executive department" between the words "the" and "United States." That makes it clear that it does not refer to any Federal judge.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

The Chair hears none, and the amendment is modified accordingly.

Mr. COOPER. Mr. President, I should like to address questions to the distinguished Senator from North Carolina.

Mr. ERVIN. I am happy to yield to the Senator from Kentucky for that purpose.

Mr. COOPER. The Civil Rights Act of 1964, title IV, section 407 provides—and I am sure the Senator has knowledge of this section—

Provided, That nothing herein shall empower any official of a court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another, or one school district to another in order to achieve such racial balance.

The language of the amendment is strikingly similar to the language I have read except the words "racial balance" is used in the 1964 act, and "racial composition" is used in the Senator's amendment. Is there a distinction in the terms?

Mr. ERVIN. HEW attempted to make a distinction between racial balance and say that racial balance, when it ordered busing, was not done to achieve racial balance but to achieve a unitary school system. Those semantics nullified the intent primarily expressed by Congress in the 1964 Civil Rights Act.

Mr. COOPER. But the language is so similar. In fact, the words, "from one school to another school or from one school district to another school district," is the same language as used in the 1964 Civil Rights Act.

Mr. ERVIN. Except Judge Wisdom rendered a peculiar decision in a Jefferson County case, in which he said that it only prohibited transportation across district lines, which was not true, but that is the interpretation he put on it. That is the reason I put in the words, "from one school to another school, or from one school district to another school district."

Mr. COOPER. I believe, if this amendment should be adopted, that it would more clearly express the sense of Congress about the busing of students in the cases we intended. But in certain cases where the issue was the desegregation of a school, the courts have held that in such cases, busing, while not the only remedy, may be required. This amendment could not alter the ruling of the Supreme Court. Do you agree?

Mr. ERVIN. It does not have anything to do with the ruling of the Supreme Court. It merely puts a limitation upon the executive branch.

Mr. COOPER. That was the intention of the 1964 Civil Rights Act.

Mr. ERVIN. I think my amendment brings this in line, except that the 1964 act provides that the Court's jurisdiction required it, as well as any officer of government. It was nullified in Judge Wisdom's opinion, because of the fact that the Senator in charge of the bill at the time, Senator Humphrey, reported a case against a school in Gary, Ind., and by some strange legal, judicial legerdemain he said that might apply only to southern schools and not to northern schools.

Mr. COOPER. Would the Senator consider this an element of the requirement? Assume that HEW looks over the plans of a school district in State A and finds that, in its view, they are not sufficient. HEW can, and I do not know whether by persuasion, coercion, or withholding of funds, compel the district to provide for busing from one school to another. Does the Senator think that was intended under the 1964 Civil Rights Act?

Mr. ERVIN. No. I think it was intended to be outlawed under the 1964 Civil Rights Act, because that was in clear harmony with the decision of the Brown case which said that children should be assigned to schools without regard to race.

Mr. COOPER. I think the Senator would agree with me, and this is very important, that if the courts take jurisdiction and determine that a plan is insufficient in accomplishing desegregation, then I do not believe that we can stand in the way of the court's decision, by acts of Congress.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 5 minutes.

Mr. PELL. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes?

Mr. JAVITS. Mr. President, I think the Senate should know what this means, and it should judge whether it wishes to do it. But it should know what it does. From what I have heard, we have not heard yet what it does. We have heard what it does not do—to wit, bind the court.

What it does do is to prevent a situation where HEW is withholding funds to a school district to segregate—that is de jure segregation. We are not talking about racial imbalance or de facto segregation. This is where HEW is withholding funds. This amendment would prevent HEW from demanding or requiring that there be busing in order to deal with that segregation, that they will have to eliminate it from their instructions. That

is the title which the distinguished Senator from Rhode Island (Mr. PASTORE) handled so well on the floor.

It has been charged that, although HEW does not mandate it because it cannot; nevertheless, impliedly it mandates it because it says "This is a district, and we will not give you the money unless you do it."

I do not know, yet, whether it will operate that way, but it may prevent the HEW from making that kind of requirement. By omitting the word "court" in this amendment, we accept the fact of a de jure situation here, as it refers only to segregation and to some change in busing.

I described a number of those situations before. And the HEW says that very rarely by additional busing, but often by some change in the system is this accomplished.

What this would mean would be that the HEW would not be as responsive then to releasing the money as it could be. And it would have to wait until there is a court proceeding and a court decree.

HEW is involved. They would simply have to wait until a court decree is issued or perhaps HEW would act, if not expressly, by implication.

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

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, as I read the amendment as modified the amendment, in my humble opinion, is no different in effect from section 422 already in the bill.

We are saying here "racial composition" instead of "racial balance." To me it means the same thing, unless someone can make a distinction between the two. I should like to have that distinction made.

As I read this, the court still has jurisdiction to decree this, because we have left it open. We have made sure that this does not bind the court.

The court can still operate under this to declare that any segregated school is unconstitutionally set up. We have taken care of that insofar as the Department is concerned. It has the ability to withhold financial assistance. They cannot decree this. But under section 422, they can act. And that is the point I am making.

Mr. JAVITS. Mr. President, the Senator agrees with me, I am sure, that the amendment which has the words "racial composition" really differs from the words "racial balance."

Mr. PASTORE. I do not think there is any difference.

Mr. JAVITS. All I can say is that we are not making the legislative record. The Senator from North Carolina is. But I think the courts could construe this and put a restraint on HEW.

The result would be adverse rather than favorable to those whom, I think the proponent of the amendment, is seeking to help. It would result in deferring the matter for a longer time until there is a court decree.

Mr. PASTORE. The only trouble as I see it, from a pragmatic point of view—and I say this kindly—the way this is amended, if he used the words "racial balance," he would not get it. It is already in the law.

I think it stands out that the Senator from North Carolina would like to have his name on a civil rights amendment, and this is all it amounts to.

Mr. JAVITS. Mr. President, I hope the Senator is right. Neither he nor I can write the legislative record. We are not authors of the amendment. I think we ought to understand very clearly precisely how this would operate. It would operate as an inhibition on the HEW to exercise its authority.

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

Mr. PELL. Mr. President, I yield 1 additional minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, this is a matter of first impression, but certainly it may result in a much longer delay than now. It will be necessary to wait if we cannot correct the conditions in any other way. HEW's hands are tied. They would have to wait for a court to enter a decree as to busing. That is the way I see it.

Mr PELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, I would like to ask the Senator from North Carolina a question. Is it either the purpose or the intent of the amendment to inhibit the Department of Health, Education, and Welfare in its effort to desegregate schools that are presently segregated?

Mr. ERVIN. Mr. President, the distinguished senior Senator from Rhode Island says that the only intent and purpose of this is to clarify the Civil Rights Act of 1964. It would have no relation to anything in the past. It is only prospective in operation. Congress passed a law and told the Department of Health, Education, and Welfare they could not do it before, and they paid no attention to it.

Mr. PELL. Mr. President, the question I would like to press is whether the Senator would accept the understanding of my senior colleague.

Mr. ERVIN. Mr. President, the senior Senator from Rhode Island, as I understood his remarks, pointed out the fact that we had prohibited busing by HEW, and had undertaken to do that in the 1964 act. I think that is clearly correct. But HEW has not paid any attention to that.

Mr. PELL. But my question is of a more positive nature. Is it the purpose of the amendment to inhibit or discourage HEW from moving ahead in the general field of desegregation?

Mr. ERVIN. They can move in any way they wish, outside of requiring busing.

The amendment is plain. It says:

> No department, agency or officer, or employee of the Executive Department of the United States shall have power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

That is as plain as it can be. They can use any other method except busing.

Mr. JAVITS. Mr. President, I think the intent of the Senator from Rhode Island is to inquire of the Senator from North Carolina whether there is any conceptual difference between the use of the words "to achieve racial balance" in section 407(a) of the Civil Rights Act of 1964, and the Senator's use of the words "racial composition" in his amendment.

Mr. ERVIN. Mr. President, the purpose of that is to prevent the Department of Health, Education, and Welfare from engaging in a semantic argument that they are not trying to effect or achieve racial balance, but are trying merely to get a unitary school system. They have just perverted and distorted the meaning of Congress. I thought that we should write something that they could read and understand.

Mr. JAVITS. But it is not the intention to change the substantive import of the words used in section 407(a) of the Civil Rights Act.

Mr. ERVIN. The purpose is to prohibit them from transporting pupils or requiring them to be transported to affect the racial composition of any student body.

Mr. PASTORE. Mr. President, I am looking at the bill reported by the committee. That has not been challenged. The Senator is adding a new title and not amending this section. Page 150, section 422, reads as follows:

> No provision of any law which authorizes appropriations for any applicable program (or respecting the administration of any such program), unless expressly provided for therein, shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

That last is the important part. How does the amendment change this?

Mr. ERVIN. If we pass this, it will be the third law of that character that we have passed. And HEW has flagrantly violated the other two laws by saying that they are not seeking to overcome racial imbalance in the South, but are establishing a unitary system. Whatever that means, they do not say.

Mr. PASTORE. Is the Senator trying to protect the dual system of schools?

Mr. ERVIN. I am trying to prevent the busing of children by HEW.

Mr. PASTORE. Even if it means a dual system?

Mr. ERVIN. I am trying to prevent the busing of children for any purpose.

Mr. PASTORE. Mr. President, would the Senator answer my question. Does he mean even if it means a dual system? If he does mean that, I am against the amendment.

Mr. ERVIN. I do not know what the term means.

Mr. PASTORE. A dual system means that a black child cannot go to a white school and a white child cannot go to the black school.

Mr. ERVIN. I am trying to forbid the HEW from requiring the busing of children.

We have twice passed laws to prevent this; and they say we are not trying to achieve racial balance; we are trying to achieve the unitary school system. They do not pay any attention to what Congress says.

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

Mr. ERVIN. I had yielded back my time.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time remaining on the amendment.

Mr. PELL. I yield to the Senator 5 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GORE. Mr. President, I appreciate the generosity of the distinguished Senator.

I have opposed two, and perhaps three amendments offered by the distinguished Senator from North Carolina today. I wish to support this one.

I see no difference between racial composition and racial balance. Balance or imbalance constitute composition. But if it is for the purpose of either I do not believe that a Federal official of the executive branch should have the authority to force the transportation of children. This does not affect the right of the child to go to any school, the right of a child to be admitted to any school; it does not affect Brown against Board of Education.

As I understand the Senator's amendment, and I support it on this basis, it is directed singly, purely, and solely at the power of an official of the Federal Government, the executive branch of the Federal Government, to require transportation of children in order to achieve racial composition.

Do I correctly state it?

Mr. ERVIN. That is all.

Mr. GORE. On that basis I ask the Senate to agree to the amendment. It is already the law. It is in the bill. I see no harm in putting it in again.

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

Mr. GORE. I yield.

Mr. PASTORE. Then you understand racial composition in the proposed amendment to mean nothing more than racial balance, and it is already in section 422; is that correct?

Mr. GORE. I do not know how the English language distinguishes between racial balance or imbalance and racial composition.

Mr. PASTORE. I maintain the same thing but I was in doubt as to whether or not the proponent of the amendment made the same interpretation.

Mr. GORE. He just responded to me affirmatively; he sought only to deny the power of an official of the executive branch of Government to require transportation of public school students for the purpose of achieving racial composition. That is how I understand it.

Mr. PASTORE. You understand that to be the same as racial balance or imbalance?

Mr. GORE. I do.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I am sorry. I would like to be complacent about this matter but I cannot be because the Senator from North Carolina could very easily undo all of our doubt by changing the word "composition" to "balance" and he will not do that. He will not do that because he believes this would include any measure to deal with unlawful and unconstitutional segregation of schools, which involves busing.

Do we need to have his fingers stuck in our eyes? It is clear, of course, he is not going to agree to make that change. It is not his intention. He is honest about it. He construes racial balance to mean what he says. The courts do not construe it that way.

The Senator from North Carolina wants it to mean de jure segregation. He practically told us so. That is what he wants and that is what he means. We have voted against this before. Now, the word "court" is stricken out.

I care as little about formulation of words as anyone, but if the Senator will tell us that all he is doing is what we did before and it is repeating, he could tell us that, but he does not. He is being honest. He said he wants a new concept of busing to cure segregation, de jure and de facto.

Mr. President, I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COOPER. Mr. President, will the Senator yield to me 2 minutes on the bill?

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

Mr. COOPER. Mr. President, I suggested more time on the amendment because I think we all want to find out if there is a distinction between the terms "racial imbalance" and "racial composition."

Take, for example, a city in a county in Kentucky segregated under a State law which was called the Day law, and which was passed in 1866, long before the 1954 decision. But then, the decision of Brown versus Board of Education changed that. Would the Senator's amendment prohibit or prevent busing directives by the courts in that county?

It is essentially the same question the Senator from New York asked. Would the amendment prevent the application of the Brown case?

Mr. ERVIN. No, it would not.

Mr. COOPER. Then, is the Senator saying racial imbalance is the same?

Mr. ERVIN. The Brown case says no State can deny a child admission to any school on the basis of race. Congress intended clearly in the 1964 civil rights bill to prevent the busing of students by HEW to change the racial composition of a school. That is why they put it in there.

The reason I offered this amendment is that it effectuates the intent of Congress in 1964. The Civil Rights Act of 1964 said plainly that desegregation of schools should mean sending children to school without regard to race and that desegregation should not include the assignment of children to overcome racial imbalance; and that you should not bus children to overcome racial imbalance.

I introduced this amendment to clarify the congressional intent so that HEW can read it and understand what it is doing, and not trying to alter racial imbalance. The only way to do this, it appears, is to pass a law saying that busing cannot be used to alter the racial composition of any school.

Mr. COOPER. Suppose we have a segregated school district and there is no way to desegregate except to provide buses to move children from one school to another so as to obtain desegregation. Where the school district refuses to do it, the only recourse, then, would be to go to court. Is that correct?

Mr. ERVIN. It was made clear by former Senator Humphrey in a colloquy with the Senator from West Virginia:

Mr. BYRD of West Virginia. Can the Senator from Minnesota—

He was the floor manager—

assure the Senator from West Virginia that under title VI schoolchildren may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

He said, "I do."

Mr. JAVITS. Mr. President, I yield myself 1 minute.

It seems to me that what is happening here, though it is semantic and hard to break through, is that the Senator from North Carolina has always believed that the Department of HEW had no power in any way to order busing even to secure desegregation. Now he wants us to legislate his belief as to what that meant, because he has been after them and they do not agree with it, and nobody else who is pro-Civil Rights Act of 1964 does. He has been after them to change that view. Now the idea is to change it by this amendment, because the Senator is too honest a judge and a lawyer to say, "All I mean by racial composition is racial balance," and it is not the same thing.

So the only way we can get to the bottom of this issue is to reiterate the words we use today by using the same catenation of words that we used in the previous provision, which are contained in section 407(a) of the Civil Rights Act of 1964.

Mr. PASTORE. Mr. President, I move on page 2, line 2 of the Ervin amendment to strike the words "alter the racial composition of the student body at any public school.", and insert "in order to overcome racial imbalance of the student body at any public school."

Mr. ERVIN. Mr. President, I would like

to ask the Senator from Rhode Island if that means they can bus children for the purpose of altering the racial composition in school.

Mr. PASTORE. They cannot bus schoolchildren in order to overcome racial imbalance of any student body of any school. That brings me in line with the distinguished Senator from Tennessee.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I would like to ask the Chair a question, because we have a question on the time. I yield myself 1 minute on the bill.

As I understood the unanimous-consent request, it was amended to include 20 minutes on any amendment to the amendment, just as we had 2 hours on the bill. Under those circumstances, if the Chair rules that is so, the Senator from Rhode Island would have 10 minutes and whoever was vested with the time in opposition would have 10 minutes. Is that correct?

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

Mr. JAVITS. I yield.

Mr. PASTORE. An objection was interposed by the Senator from Florida because he misunderstood.

Mr. HOLLAND. Mr. President, I withdrew that objection, whether it is in the record or not.

Mr. President, may I be heard on a point of order?

The PRESIDING OFFICER. First, if there is no objection, there will be 10 minutes on each side on the amendment.

Mr. JAVITS. Mr. President, does the Senator from Florida wish me to yield?

Mr. HOLLAND. Yes, on a question of privilege; my objection was based on my understanding that the 20-minute limit was to be applied to all amendments. I think the wording of the distinguished majority leader made it possible for that understanding to be had by some of us. When I found it applied only to the amendment to the pending amendment of the Senator from North Carolina, I immediately withdrew my objection, so that the request for the unanimous consent made by the distinguished majority leader was agreed to as made by him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we have talked this matter out. I think we all understand it. If the opposition—if there is opposition—is willing to yield back its time, I am willing to yield back my time. I think we have all made our positions clear.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. ALLEN. I would like to ask the Senator from Rhode Island if the effect of his amendment is not to readopt the provisions of the second phase of the Scott amendment. Specifically, is not the Senator's purpose to limit the prohibition against busing or transportation of students confined to the purpose of overcoming racial imbalance, which means de facto segregation?

Mr. PASTORE. I do not understand it as such. I think it is clear that what I am saying in my amendment is exactly what it says in section 422 of the bill reported to this body by the committee. The committee has handled the matter. The words are clear that any agency, officer, or employee of the United States cannot exercise any direction, supervision, or control over the curriculum, and so forth, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

Mr. ALLEN. There again, if the Senator will yield, the term "racial imbalance" as treated by the Department of HEW refers to de facto segregation only. It does not refer to de jure segregation. So the effect of the amendment offered by the Senator from Rhode Island is to say that there shall be no busing to overcome de facto segregation, thereby freezing into the amendment the protection for de facto segregation, but leaving the prohibition nonexistent as regards de jure segregation.

Mr. PASTORE. Of course, that is the Senator's interpretation, and he is at liberty to interpret it any way he wants to; but it was my understanding it is the fundamental premise of the law that there cannot be busing of students unless the court orders it, and the word "court" was left out. That is all it amounts to.

Mr. ALLEN. But the Senator is confining that prohibition against busing only to de facto segregation by use of the term.

Mr. PASTORE. I do not see the difference between overcoming racial imbalance and changing the composition of the classroom.

Mr. ALLEN. Perhaps the Senator does not, but there is a vast difference.

Mr. PASTORE. That is the Senator's interpretation, but we have made the legislative history today.

Mr. ERVIN. Mr. President, I understood the Civil Rights Act of 1964 put a prohibition on the busing of students for the purpose of overcoming racial imbalance, and that Congress meant by that that children should not be bused for the purpose of altering the racial composition of a student body. We had the reference to "racial imbalance" twice in acts we passed, and HEW has paid no attention to those acts. It is three times counting the 1964 act.

Would the Senator consider amending his amendment so as to provide "in order to overcome racial imbalance of the student body at any public school by altering the racial composition of such student body"?

The only reason why I phrase it that way is that the Civil Rights Act of 1964, an amendment to the law that was passed by the Congress in 1965, and a provision which was put in the HEW Appropriation Act all prohibited transportation to overcome racial imbalance. HEW said those provisions did not mean what the Senator from Rhode Island and I think they meant.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PASTORE. I yield.

Mr. JAVITS. I think the Senate ought to understand what we mean, and that to achieve racial balance is an affirmative act, to attempt to mix the school population.

Affirmative acts are not dealt with, are neither required nor prohibited, by the Constitution. It is the negative act which is involved; and the negative act would be a change in the racial composition.

How are you going to desegregate a segregated school if you do not change its racial composition? That is exactly what the Senator from North Carolina is after. So we had better understand each other. He does not want any Government agency, to wit, HEW expressly or impliedly, to require by withholding funds or otherwise any changes in a de jure situation. That is what it is all about.

We are either for that or against that. But we kid ourselves if we believe that it means something other. Why he changed the words is because he wanted to change them. He wants to accomplish another, different, broader, purpose. In my judgment, it is the very purpose that we dealt with before. We do not want to abet, abort, or regress de jure segregation policies. What we want to do is bring about greater fairness in the country by going after segregation wherever it is, in whatever form. I am for that. The Senate has decided it.

But let us not assume that these words do not mean what the Senator from North Carolina wants them to mean. He wants a change. He left out the word "court," and, as I explained before, all that means is that HEW will not deal with these questions itself; it will have to wait for a court to pass on it, which will only mean a delay in the money leaving HEW, because HEW may not lend any money to a segregated school district. If it may not in any way help desegregate that district, that means it must, according to law, sit with its arms folded until the court acts. That is what I said before.

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

Mr. JAVITS. I yield.

Mr. GORE. I wonder if the Senator is not exercising——

Mr. JAVITS. I am not a bit exercised.

Mr. GORE. Exercising semantic gymnastics here. As I understand the constitutional ruling; it is that there shall not be discrimination because of race, color, or creed. If an official of the executive branch of the U.S. Government is empowered to require of a child or the parents of a child that that child be transported in order to achieve a racial composition, then is not that child being forced to accept transportation because of race? It seems to me that discrimination can work both ways with respect to the individual as well as with respect to the school, with respect to the wishes of a child or a parent not to be transported, as well as the wish to be transported. What is the difference in discriminating against him one way, by forcing him to ride a bus, or discriminating against him in denying him the right to ride a bus?

The PRESIDING OFFICER. The 10 minutes of the Senator from Rhode Island has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senator be granted an additional 10 minutes.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, will my colleague yield me time so that I may ask a question?

Mr. PELL. Mr. President, I yield 5 minutes on the bill to my senior colleague.

Mr. PASTORE. Mr. President, will someone explain to me, where you have a classroom of 100 children, and 75 of the children are white, and 25 of the children are black, if you cannot transport to change that imbalance, and there is an imbalance, then what is the difference in saying that you cannot alter the composition of that situation? Tell me what the difference is. If you cannot change the imbalance that exists, how in the name of heaven do you change the composition any other way? If you cannot change the imbalance, and the imbalance is 75 whites against 25 blacks, what is the difference in saying that you cannot transport those students in order to change the composition of that classroom, which is still composed of 75 whites and 25 blacks? Does it not mean the same thing?

I do not know what we are quibbling about, unless it means that it is perhaps a little more satisfying to use one word as against another word. But the law is the law, and we passed it in 1964.

I think it is plain to all of us what we are trying to do here. In my humble opinion, if you do not correct an imbalance, you are not changing the composition; and if anyone can twist those words around to mean anything different, I have not studied English.

Mr. ERVIN. Mr. President, I am in full agreement with the Senator from Rhode Island that we intended by the 1964 act to do the same thing I am trying to do here, but HEW just does not understand those words, and I am trying to clarify them.

If the Senator from Rhode Island would add the words "by altering the racial composition of such student body," I would accept his amendment, or modify mine to conform.

Mr. EAGLETON. Mr. President, will the Senator from Rhode Island yield time to me, so that I may address a question to his senior colleague?

Mr. PELL. I yield the Senator from Missouri 1 minute on the bill.

Mr. EAGLETON. I ask the senior Senator from Rhode Island (Mr. PASTORE) if the purpose of his amendment is to conform the Ervin amendment to the language and the intent of section 422 in the existing bill, and to similar language as previously used in the 1964 Civil Rights Act.

Mr. PASTORE. Precisely.

Mr. EAGLETON. I thank the Senator.

Mr. PASTORE. And that is all I am seeking to do.

Mr. EAGLETON. I support the Senator's amendment.

Mr. PASTORE. The Senator from North Carolina has the idea, because, administratively speaking, the departments have not lived up to the concept of the bill, that if he changes the wording he will change the concept. But that is an administrative endeavor we are talking about. Insofar as the intent of the law and the letter of the law are concerned, I do not see the difference.

The PRESIDING OFFICER. Who yields time?

SEVERAL SENATORS. Vote.

Mr. ERVIN. I have not yielded back my time. Do I have some time remaining?

The PRESIDING OFFICER. No; the time on the bill is under the control of the Senator from New York (Mr. JAVITS) and the Senator from Rhode Island (Mr. PELL).

Mr. PELL. How much time does the Senator require?

Mr. ERVIN. Two minutes.

Mr. PELL. I yield the Senator from North Carolina 2 minutes on the bill.

Mr. ERVIN. I agree with the Senator from Rhode Island that there is no difference between the meaning of the words "racial imbalance" and the words "racial composition"; but unfortunately, we have passed three times statutes about racial imbalance, and HEW pays no attention to them.

The reason I prefer the other expression is that it is so plain that even HEW can understand it. So for that reason, if the Senator from Rhode Island will agree to add "by altering the racial composition of the student body of any school," I will accept his modification of my amendment.

Mr. PASTORE. Mr. President, I am getting a little tired of this, but I concur, if the Senator will readjust his amendment to amend the basic act, as reported, on page 151, by adding, after the words "in order to overcome racial imbalance" the words "and/or alter the racial composition of such student body."

Just add those words to the language of the bill.

Mr. ERVIN. Yes, I would certainly do that.

Mr. PASTORE. Is there any objection to that?

Mr. JAVITS. Yes, and I will tell you why. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I yield myself 5 minutes on the bill.

We are not engaged in games here. We are engaged in very serious business. The words "racial balance" have acquired a meaning by the way in which they have been applied, just as the words "racial composition" acquire a meaning from the debate here.

Mr. President, the words "racial balance" obviously imply a negative concept, to change something which is not illegal. There can be racial imbalance which is not illegal, but States may desire to change it, or they may consider it illegal for their States. Under the Constitution, there is no requirement that there be an affirmative racial balance in a school, or in a class, or anything else.

But the Constitution does say that you may not segregate children because of their color. Therefore, if it is necessary to deal with transportation in order to unscramble those eggs—and it very often is—then you must deal with it, and then you do change the racial composition by busing or transportation, because you are doing something affirmative in order to implement the prohibition of the Federal Constitution.

The Senators who are arguing for this understand very well what they are doing, and I understand it. What they are trying to do is to say that under no circumstances, even in the case of segregation, which is in violation of the Civil Rights Act and the Constitution, shall HEW in any way be a party to endeavoring to bring about busing or any other means of transportation to change that racial composition, even though it is the result of unlawful segregation. I cannot be for that. They admit that is what they are trying to do.

What they have tried to do—and I beg the Senate to listen to me—is to get the HEW to agree with them on what they now interpret the words "racial balance" to be—to wit, racial balance means that you cannot touch a school. If it is all black, it stays all black. If it is all white, it stays all white. The HEW has not gone that far. It says:

> Racial balance is a very different concept. That is a positive act in which, for one reason or another, we want to mix a certain percentage of blacks with a certain percentage of whites or change that percentage.

But that does not satisfy our friends, they come in with a new concept, because they want to accomplish another concept, and I am not going to be a party to it. If I stand alone, that is just too bad.

I am not at all confused about what is going on. The idea is to prohibit any other than a court from having anything to do with changing the racial composition, even if it is all black, even if it is unconstitutionally in violation of the law, of any school.

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

Mr. JAVITS. I yield.

Mr. ALLEN. I should like to ask the distinguished Senator from New York if it is not correct that the effect of the suggested amendment of the distinguished Senator from Rhode Island to forbid busing to overcome racial imbalance would be to prevent busing to overcome de facto segregation and de facto segregation alone.

Mr. JAVITS. That is exactly correct.

Mr. ALLEN. And is it not also correct that the prohibition against busing to change the racial composition would prohibit busing to overcome de facto and de jure segregation?

Mr. JAVITS. That is exactly correct. We agree thoroughly. That is exactly what I am contending.

I just want the Senate to know precisely what it is doing. Senators may be for it; Senators may be against it. But at least they should know what they are doing. Therefore, I concluded from that that all it is going to do is to make more slow the ability of HEW to release money in segregated situations because it is going to have to wait for a court to act. It will be unable to do anything itself where it involves transportation. If the Senate understands that, that is fine; and if the Senate wants it that way, I do not agree. I do not think it is desirable for any school district, South or North.

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

Mr. JAVITS. I yield.

Mr. PASTORE. Did we not cross that bridge yesterday, when the Senate adopted the Stennis amendment?

Mr. JAVITS. I do not think so.

Mr. PASTORE. Oh, yes. They had de jure in there; they had de facto in there; they had the whole business in there. The only thing they left out was the old kitchen sink. [Laughter.]

It was done yesterday. The Stennis amendment went all the way.

Mr. JAVITS. The Stennis amendment dealt with the uniformity of enforcement, but the Stennis amendment did not deprive the HEW of any means by which it could bring about enforcement of the law itself.

As a matter of fact, I point out to the Senator from Rhode Island that if one really wanted to go all the way with the Stennis amendment, even the prohibition against busing to establish racial balance should be omitted from this bill.

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

The PRESIDING OFFICER. The time of the Senator has expired. He has 5 minutes remaining.

Mr. JAVITS. I yield myself 2 additional minutes.

I yield to the Senator.

Mr. PASTORE. The trouble here is that the interpretation is a little different—the interpretation I have been giving it, and the way I understand it—and that is the reason why I am agreeing to it. I have been an ardent supporter of civil rights. The Senator knows that.

Mr. JAVITS. There is no question about it.

Mr. PASTORE. I voted against the Stennis amendment because he would not take out the last 10 words, and I said that publicly.

All I am saying now is that, so far as I am concerned, I am not construing racial imbalance any different from racial composition, and that is the reason why I am going along with it. When it gets downtown, they can make their own interpretation of it, and perhaps it will be a little different from our interpretation.

But the mere fact that the Senator from North Carolina or the Senator from Rhode Island or the Senator from New York has a different interpretation of the section is not affecting me alone. I want to make my position clear. What I am doing this afternoon, and what I am agreeing to, is nothing more than the Civil Rights Act of 1964.

Mr. JAVITS. I yield myself 1 additional minute.

Mr. President, all I am doing is wearing myself out, and I may need my strength on another field of battle, and there is no need for it.

I just say this: The Senate will comprehend my feeling in this way. The Senator from North Carolina has had a club he has used over the HEW. He says the words "racial balance" mean that they cannot have busing or transportation in any case, whether it is de jure segregation or de facto segregation. That club has not worked. Now, if the Senator from Rhode Island does go along with this, as he apparently is, it will give the Senator from North Carolina two clubs. He will now be able to try to beat them over the head with the words "racial composition," and I think perhaps with more purpose and cause than he had before, and I do not want to give him that extra club. HEW may still sit by and say, "We're sorry, Senator. We don't agree with you. We agree with Senator PASTORE." But he will have another club, unless the same words are used. By expanding the words, I think the Senator is after expanding the concept, very clearly and definitely, and I think the Senator from Alabama (Mr. ALLEN) brought that out. If that is what the Senate wants to do, it is a sovereign body; it will do it. I cannot join.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 1 minute to the senior Senator from Rhode Island.

Mr. PASTORE. I made the suggestion that the words "or alter the racial composition" be added to the language in the bill, following the language on page 151, which is section 422. I understand that the Senator from North Carolina is going to withdraw his amendment. I will withdraw my amendment to his amendment, and we will start with a new amendment to amend the bill itself.

Mr. ERVIN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Unanimous consent is required to withdraw the amendment.

Mr. ERVIN. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection to the withdrawal of the amendment of the Senator from Rhode Island? The Chair hears none, and the amendment is withdrawn.

Is there objection to withdrawing the amendment of the Senator from North Carolina? The Chair hears no objection, and the amendment is withdrawn.

Mr. ERVIN. Mr. President, I send an amendment to the desk. It is handwritten, and I will read it:

On line 3, on page 151, insert these words between the word "imbalance" and the period: "or alter racial composition."

The Senator from Rhode Island and I agree that the words mean the same thing. But this will remove the danger that HEW may have to ignore this act, as it has ignored previous acts.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 151, line 3, after the word "imbalance" strike out the period and insert "or alter racial composition."

The PRESIDING OFFICER. The question is on agreeing to the amendment. Who yields time?

Mr. JAVITS. Mr. President, I have the opposition time——

The PRESIDING OFFICER. There is no assigned time on this amendment.

Mr. PASTORE. Mr. President, I ask unanimous consent that there be a time limitation on this amendment of 20 minutes, with 10 minutes to a side.

The PRESIDING OFFICER. And on all amendments to this amendment?

Mr. PASTORE. Yes, on all amendments to this particular amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. EAGLETON. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. EAGLETON. I should like to address a question to the Senator from North Carolina. Do I correctly understand him to say that by insertion of the words "or alter racial composition," in his judgment that is similar language and has the same meaning as the words "racial imbalance" already in section 422?

Mr. ERVIN. I think that means the same thing. The reason I am insisting on this is that HEW attempted to construe it some other way.

Mr. EAGLETON. Construe?

Mr. ERVIN. Yes. Construe. I want to make certain that they understand what we meant by the Civil Rights Act of 1964.

Mr. EAGLETON. Insofar as usage of the words is concerned, and this being a statute, perhaps someday it will have to be interpreted. The Senator is saying that the words "or alter racial composition" mean the same thing as "racial imbalance"?

Mr. ERVIN. They both mean the same thing. That is my understanding. I think they mean the same thing. I think it will make the meaning more clear to HEW than it has been about what the Senate meant in 1964.

Mr. EAGLETON. May I ask one question of the Senior Senator from Rhode Island (Mr. PASTORE). Is it his understanding, he having lived with both the Civil Rights Act of 1964 and having followed the progress of the various education acts which contain language similar to section 422 in the instant bill—is it his understanding as to the meaning of these words, that "racial imbalance" and the phrase "or alter racial composition" mean the same thing?

Mr. PASTORE. Absolutely. That is the only reason why I go along with it because I understand it is redundant; but in order to have some peace and expedition, I am accepting it.

Mr. EAGLETON. Harmonious redundancy. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator from New York yield me one-half a minute?

Mr. JAVITS. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. I was going to ask the Senator from North Carolina, when he talks about "racial composition," how does he define that word "racial"?

Mr. ERVIN. According to race.

Mr. MAGNUSON. Just black and white?

Mr. ERVIN. No, all races.

Mr. MAGNUSON. Out in my country we try to achieve a balance, say, where we are near an Indian reservation. I think they do that also in New Mexico where the people live. I want the record to be

clear that the words "racial composition" include all races.

Mr. ERVIN. Yes, all races.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I have really tried. Somehow or other, I have been, apparently, unable to break through with what I consider to be the real effect of the amendment.

The real effect of the amendment will be to put HEW in the position where it probably—if this language stands after conference—will not do anything with respect to transportation or busing, or anything like that from a de jure segregation situation. It will have to wait for the action of a court.

Now, gentlemen, I beg you to understand this: That is exactly what the Senator who proposes the amendment has in mind.

Let me repeat what I said before, that he has tried to get the HEW to make this interpretation but HEW has refused.

Now we are adding some more words which may give more credence to his position because to overcome racial imbalance is to try to shift something around which is not unlawful segregation. I want to make that clear. But to alter racial composition is to try to shift something around which may be unlawful composition of a given school. Mr. President, we freeze it absolutely except as a court may rule.

One other thing is, we have not made clear that we did straighten out the matter of the courts in the previous amendment. Now we are going pretty fast. I would like the Senate to realize that we have no longer qualified with the words "executive branch," or the words "department, agency, officer or employee of the United States" now contained in line 20 of section 422, so that we are even including the courts here.

Mr. PASTORE. No, we are not.

Mr. JAVITS. I beg the Senator's pardon. We have not yet, but we may make the change because I have raised it, but we have not made it. Right now an officer of the United States is a judge. We are moving so fast and so far that we may get ourselves into a hole that we are not trying to dig.

Let us stop and take a breath. This is a very serious matter. We may be changing something very serious. I think that we are.

Mr. PASTORE. If the Senator will yield right there, he is a member of the committee that reported the bill.

Mr. JAVITS. Right.

Mr. PASTORE. This is the language we voted out to the floor of the Senate.

Mr. JAVITS. Exactly.

Mr. PASTORE. So that the Senator meant "judge" when he did it.

Mr. JAVITS. Exactly.

Mr. PASTORE. The Senator meant a judge even on imbalance.

Mr. JAVITS. Now, just one second, please. I certainly did on racial imbalance. As I construed it, that has nothing to do with de jure segregation. That is not the way it will be construed now, in my judgment, and therefore we should at least take the same precaution.

Mr. PASTORE. All right. Then put them in. I will be perfectly willing to go along with it.

Mr. JAVITS. We should take the same precaution. That is elementary fairness. We should take the same precaution to insert the words "executive branch."

Mr. PASTORE. Then make that motion.

Mr. JAVITS. That would be in connection with, "department, agency, officer, or employee of the United States." Would that be acceptable to the Senator from North Carolina?

Mr. ERVIN. I would say that the whole thing is unnecessary because this refers to handling appropriations. Courts and judges do not handle appropriations.

Mr. JAVITS. It does not say that. It says, "construed to authorize." I think at least that we should take that precaution.

Mr. ERVIN. Mr. President, I would amend my amendment, so far as it also provides on page 150, line 20, to insert the words between "of" and the word "the" the words "executive branch of the United States."

Mr. PASTORE. To read, "or employee of the executive department of the United States"—"branch of the United States."

The PRESIDING OFFICER. The amendment is so modified, on page 150, line 20, after the word "the", insert "executive branch of the".

Mr. JAVITS. Mr. President, I have done my best. I will not be a party to this. I think it makes a very material and serious difference.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc.

Mr. PASTORE. Mr. President, the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Chair would inform the Senator from Rhode Island that the yeas and nays have been requested.

There was not a sufficient second.

Mr. PASTORE. Voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from North Carolina en bloc.

The amendments were agreed to en bloc.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that on the voice vote on the Ervin amendments which resulted from a colloquy between the Senator from Rhode Island (Mr. PASTORE), the Senator from North Carolina (Mr. ERVIN), and me, the RECORD should show that I voted "no," and I would like to have that inserted at the proper place in the RECORD.

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

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. TALMADGE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 504

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Massachusetts (Mr. BROOKE) proposes an amendment as follows:

On page 45, before line 5, insert the following new section:

"SEC. 3. And further, it is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in section 2 throughout the United States."

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BROOKE. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes, the time to be equally divided between the Senator from Rhode Island and me.

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

Mr. PELL. Mr. President, I may very well accept the amendment.

Mr. BROOKE. I want to have the yeas and nays.

The purpose of the amendment is very simple. We have passed the Stennis amendment. And it seems we need a clear indication to the country——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

I hope the Chair will enforce the rules of the Senate concerning order and decorum.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. Mr. President, the purpose of the amendment is threefold. First, we need a clear indication to the country of our intention to enforce the Stennis amendment.

Second, we need a clear indication to the Departments of Justice and Health, Education, and Welfare of our intention to support them financially in their efforts to carry out the policy of Congress.

Third, the amendment would help to clarify our intentions and let the people of this country know beyond a doubt that we mean business. As such, it has a great symbolic value for people who, rightly or wrongly, suspect our purposes in passing the amendment.

In the debate that took place on the Stennis amendment, it was made clear that the purpose of the amendment was not to slow down integration in the South, but to speed up integration in the North.

The amendment passed the Senate. It seems that now we ought to make this commitment very clear to the country that we do intend business and will give sufficient funds to the Department of Health, Education, and Welfare and the Justice Department to get the personnel in order to enforce integration in the North and the South and the East and the West of this country. We need this symbolic gesture. This is only the sense of the Congress that the Depart-

ments of Justice and Health, Education, and Welfare should request of Congress sufficient appropriations so that they can carry out the work indicated to them in the Stennis amendment.

This is a pure and simple amendment. I hope that the Senate agrees to the amendment.

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

Mr. BROOKE. I yield.

Mr. MONDALE. Mr. President, I should like to join as a cosponsor of the amendment of the Senator from Massachusetts. I think the amendment makes a great deal of sense.

In doing so, however, I wish to make clear a point which I think was clearly made in the debate—that, in my judgment, the Stennis amendment which has been agreed to does practically nothing. But, in any event, I think there is plenty of need for an adequate budget to the fullest extent possible to assist in dealing with de jure segregation and, to the extent possible, with de facto segregation in the present law.

I think it is an excellent amendment. I ask unanimous consent to join as a cosponsor of the amendment of the Senator from Massachusetts.

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

Mr. STENNIS. Mr. President, has the Senator from Massachusetts finished?

Mr. BROOKE. I have finished.

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

Mr. BROOKE. I yield.

Mr. HOLLINGS. Mr. President, is that page 45 or page 145?

Mr. BROOKE. It is page 45. The Senator from Mississippi (Mr. STENNIS) had amended the bill. And there is a new section 2 in the bill. This would be section 3 and would follow immediately behind section 2.

Mr. HOLLINGS. It would follow immediately behind section 2 on page 45.

Mr. BROOKE. That does not appear in the printed bill. It is an amendment to the printed bill.

Mr. HOLLINGS. I see. I thank the Senator.

The PRESIDING OFFICER. The Chair would like to observe that the language proposed by the Senator from Massachusetts, if agreed to, would follow the language of the Stennis amendment which has been agreed to.

Mr. BROOKE. That is correct. There would be a new section 3 to follow the section 2 that the Senator from Mississippi proposed, which amendment was agreed to.

The PRESIDING OFFICER. Section 2 is not in the printed bill.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, as I said on the floor yesterday, I was not only glad to say that I will support whatever funds might be requested and needed to carry out the provisions of the amendment, but I also said that I had been begging that more funds be requested and more men employed with a real purpose of effectively working on this very problem beyond the South. That has been going on for 4 or 5 years in conferences with the Secretary of Health, Education, and Welfare especially, and with others. It has been done not only by me, but also by the Senator from Georgia (Mr. RUSSELL) and by former Senator Hill of Alabama. We were on the Appropriations Subcommittee.

I think this lends strength or spells out strength, at least, to what is already implied in the amendment agreed to yesterday, that funds would be provided if requested and it is proved that they are really going to be used by competent workers, educators, or whatever assistants is needed.

I do want to make this point clear. I notice that my friend, the Senator from Pennsylvania, said that it would take an army or the good part of an army to enforce the amendment. I do not want to agree to the use of any army for doing anything like that. I have never advocated using that force to enforce this provision.

I feel sure that the Senator said that in jest. I feel it will not be necessary.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Washington, the chairman of the committee which is handling these matters.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I think the merit of the amendment of the Senator from Massachusetts is that whatever funds we do get would be used uniformly throughout the Nation. In many cases some of us on the Appropriations Committee have thought that every budget that has come up here has been thoroughly inadequate.

The merit of the amendment of the Senator from Massachusetts is that whatever we do get has to be used uniformly and throughout the Nation.

We could appropriate a great deal of money—I agree with the Senator—and then find that the Department would take the bulk of the funds and use them in one place instead of another.

We all agree that we would like to see the funds expended exactly as the Senator from Massachusetts suggests.

I hope it is clear that when the Senator says "throughout the United States" we mean uniformly, the uniform spread of funds.

Mr. BROOKE. It means the uniform spread of sufficient funds to enable the enforcement of the law in all sections of the country.

Mr. STENNIS. Mr. President, the Senator from Washington mentioned a point there that has given us trouble. And, of course, if the amendment is agreed to, it would still be our responsibility to see that the money is spent in keeping with the letter and the spirit of what I hope and believe is the policy.

I shall certainly support it to the fullest, and I commend the Senator from Massachusetts for his thoughtfulness in offering the amendment.

Mr. PELL. Mr. President, prior to yielding back my time, I would like to completely support the words of the Senator from Mississippi. I think the thrust of the amendment is excellent. I hope its intent is carried out. I say that also for the comanager of the bill.

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

Mr. STENNIS. I do not control the time. The Senator from Rhode Island does.

Mr. PELL. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I want to say I was not joking and I do not believe anybody else was joking who supported the amendment of the distinguished Senator from Mississippi yesterday. It would not occur to me to vote for a meaningful amendment without regarding it as necessary to follow through by making available the money to accomplish the purposes to be accomplished by the amendment. I certainly support the amendment of the Senator from Massachusetts.

In the second place, I want to say I cannot agree at all with the rather exaggerated statement made by the distinguished minority leader yesterday. I cannot quote it, but it seems to me he said it would take an army of men and untold millions of dollars to enforce that amendment in other parts of the country outside of the South. I want to call attention to the fact that more than one-half the citizens of this Nation of Negro ancestry are within the South. I see no reason why any larger amounts would be required of personnel or funds to enforce that amendment in other portions of the country. I do not think it is an intolerable burden. I hope it will be enforced in other parts of the country.

I am ready to make available by my vote and activities in the Committee on Appropriations such funds as may be necessary to accomplish the purpose in other parts of the country outside the South, which are already being accomplished under present funds and personnel in the part of the country I represent in part.

I thank the Senator for yielding.

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

Mr. PELL. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to commend the distinguished Senator from Massachusetts and also the distinguished Senator from Mississippi. This subject originally came up yesterday when I put the question directly to the Senator from Mississippi as to whether he would support additional funds to more uniformly apply desegregation enforcement guidelines. I asked whether we were thinking in terms of taking the $5.2 million allocated this year and spreading to cover enforcement costs in all areas or whether he would support additional funds for the Civil Rights Office. He said he supported more funds at that time.

I commend the distinguished Senator from Massachusetts for making this language a part of the bill. I fully support it and I would encourage the Department

to give an adequate amount of attention to the segregation we know exists in the city of Chicago, and, to the extent we can, eliminate that kind of segregated school system.

Mr. ALLEN. Mr. President, I oppose this amendment because these Departments are fully capable of making their own budget requests and asking for more money for their Departments, if they need it.

Far be it from me to urge Federal bureaus to ask for more money.

Besides, if HEW and the Justice Department put on more enforcement agents and lawyers they will be used to harass the school systems of the South rather than sections outside of the South.

Mr. PELL. Mr. President, prior to yielding back my time, I asked for the yeas and nays on final passage.

The yeas and nays are ordered.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 1, as follows:

[No. 50 Leg.]

YEAS—80

Aiken	Fulbright	Murphy
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Percy
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Sparkman
Cook	Long	Spong
Cooper	Magnuson	Stennis
Cotton	Mansfield	Stevens
Curtis	Mathias	Symington
Dole	McClellan	Talmadge
Eagleton	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, Del.
Ervin	Mondale	Young, N. Dak.
Fannin	Montoya	Young, Ohio
Fong	Moss	

NAYS—1

Allen

NOT VOTING—19

Cranston	Hatfield	Scott
Dodd	Kennedy	Smith, Ill.
Dominick	McCarthy	Tower
Goldwater	McIntyre	Williams, N.J.
Gravel	Metcalf	Yarborough
Harris	Mundt	
Hartke	Packwood	

So Mr. BROOKE'S amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and conforming changes in H.R. 514 as may be necessary to avoid technical errors.

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

Mr. PROUTY. Mr. President, it was my hope that the debate on this bill (H.R. 514) would concentrate on its educational aspects and that civil rights issues would be reserved for a civil rights bill.

The debate has not gone as I had wished, Mr. President, but I am not disappointed because I believe it has placed our Nation's racial dilemma in the right perspective.

For several days now we have been discussing a monumental issue, that of desegregation and how it can contribute to the improvement of educational opportunity for many of our young citizens.

In this discussion the old lines have disappeared, the old labels have come unstuck and the true nature of our problem has been revealed; two forms of segregation—one by design—one by default.

Both forms of segregation are evil. Both forms must be remedied. Neither form of segregation will be resolved by pointing out that one form is more evil than the other.

As a northerner, I could have assumed a rigid posture of righteousness and not budged.

As a Vermonter, I could have narrowed my perspective to the Green Mountain State and hurled epithets at those areas of the country where both forms of school segregation are rampant. Vermont's black population is less than two-tenths of 1 percent of the total population, and less than one-tenth of 1 percent of the school population. Ninety black children attend public schools in Vermont and certainly, there is no segregation. How easy it would have been for me to be pious.

But I am concerned with our Nation's racial patterns and problems and I am concerned with the education of all our Nation's children.

In the past 16 years since passage of the Supreme Court decision which declared separate schools to be unconstitutional, I feel we have made great strides toward bringing an end to segregation and improving education for all. However, I do feel that much remains to be done, particularly in our northern and urban areas, and thus I have been sympathetic to those of my colleagues who favored a change in policy and approach.

Since 1964, the courts and Government agencies involved in civil rights actions have been primarily concerned with the eradication of de jure segregation. Ostensibly, this policy has been followed in all parts of the country equally, but because most de jure segregation can be found and easily proved in the South, the focus of previous civil rights actions has been mostly in the South.

While I do not believe that we in the North have pretended segregation is nonexistent in our part of the country, I do feel that more attention could have been directed at us as well.

Therefore, although the debate of the last several days has been very grueling and painful, I hope it has proved beneficial by bringing us to the point where we have faced the issue squarely. I believe Senator STENNIS was right to bring this problem before the Senate and I am heartened by the sincerity of the various arguments presented, for I believe we all seek an equitable solution even though the means may not be clear.

When I first read the Stennis amendment, I had to agree with its overall intent to equalize the application of our civil rights efforts in all parts of the country. As the debate continued, however, I began to see that there were several ramifications not at first evident. Much as I want to end the segregation which impairs educational opportunity in every area of our country, I was not quite sure about the most effective way to do this.

Even though the Supreme Court has not yet acted upon the question of de facto segregation, I think we must recognize that the problem cannot be ignored. The Stennis amendment sought to force this question by making it a policy to enforce civil rights guidelines with respect to both de jure and de facto segregation.

Those in opposition to the amendment said that such a change should not be made in this manner, that we must wait for the courts to decide, that application of the changed policy would be impossible for lack of resources, and that the only real effect would be a slowing down of the limited progress that has been made in ending de jure segregation as a necessary first step.

These arguments, too, had some ap-

peal, but in my own mind I was unsure that this action would be harmful because I believe the legislative intent has been stated many times. The progress made in ending de jure segregation must not be halted or slowed down in any way, but we must begin to understand the problems of de facto segregation and alleviate them wherever harm is done.

Again, it was the question of determining the best way to make this happen. Some who were in opposition to the Stennis amendment said we should study this issue more carefully, and even though this may have seemed a delaying tactic, I do believe such study can be helpful in any regard since the causes are so invidious and the cures so uncertain.

The amendment offered by Senator SCOTT also sought to clarify the issue by reiterating the sense of Congress with regard to uniform application of civil rights action and undesirable busing or assignment of students merely to overcome racial imbalance.

These policies are already stated in title IV of the pending bill and in the Elementary and Secondary Education Act itself. Nevertheless, I thought it would be helpful to emphasize our intent and therefore supported the Scott amendment.

During the debate of yesterday, it became evident that adoption of the Scott amendment was not satisfactory to a majority of the Senate that some additional expression of intent was desired by the people. In voting for the Stennis amendment, I believe we have voiced the feelings of the people and made it clear that a new policy of consistency must pervade.

Further, I do not believe we have taken such a great step backward as some might fear. Not only have we stated that present efforts by Government agencies will not be relaxed, but we have agreed that more resources will be needed and expressed our desire that they shall be forthcoming.

At the same time, we must remember that most civil rights actions are now being pursued through the courts anyway, and our changing the Government agency policy to be consistent in North and South in no way affects these cases.

For those who believe we are only going to create chaos in the North, I can only say that it already exists and is probably due in large measure to the way we have ignored the problems of de facto segregation to date. If there is going to be upheaval, let it be for the right reason; let it be because we are trying to take a step in the right direction; and let our concerns for the elimination of malcontent and disorder be equally shared across the Nation.

Let us take positive action with consistency and, even if differing circumstances in various parts of our land dictate alternative approaches, let us examine the total situation in concert and then begin to make whatever changes are necessary in a particular area.

But, Mr. President, I do not believe we should take any actions which would limit our flexibility to solve these problems fairly. It is for this reason that I have refused to support measures that might arbitrarily prevent us from considering what may prove to be viable alternatives when pursued reasonably. This is not a civil rights bill, Mr. President, and while we have taken a necessary step forward in clarifying the policy of the Senate by adopting the Stennis amendment, if we are going to delve further into civil rights, let us do so in the proper manner at the proper time.

Equally important, I think, we should remember that it takes time to bring about such monumental change, and that during times of change we still have to worry about the education of those children concerned.

Regardless of the changes that result from civil rights legislation, we must remember that the quality of education in all schools needs improvement.

Education in this country will not achieve the desired objectives until all schools are improved to their maximum effectiveness and are truly equal.

Hopefully, the day will come when it does not matter which school a child attends, but this will not be possible until we look at every area in which improvement can be made. I would like to see us start toward that goal by forgetting the sorrows and mistakes of the past, by grasping the issues of the present, and by seeking all alternatives to a better future.

Mr. ALLEN. Mr. President, I am pleased that President Nixon has decided to create a Cabinet-level committee headed by the Vice President to look into problems created by administration of public schools by the Federal executive and judicial branches of Government. Such action indicates that the President recognizes the existence and magnitude of a problem of national importance.

While these problems are acute in Southern States, it would be a grave mistake to assume that they are regional or sectional or that any school system in the United States can long remain unaffected by any resolution in the Southern States.

In view of these developments, a question arises as to the role of Congress in helping resolve the problems. Will Congress accept a responsibility in this matter and realistically face up to the issues and contribute to a solution of the problem? I think Congress must do so.

There is no question about the power of Congress to take hold of this problem and resolve it. Section 5 of the 14th amendment provides: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." If legislation enacted under authority of the 14th amendment is the source of current problems—it would seem to me Congress has a duty to address itself to the problems so created. It is generally conceded that Congress has the power to determine what does and what does not constitute a violation of "equal protection" as it relates to any of the rights sought to be protected by the 14th amendment. And certainly it has the power to clarify the rights to public education which are intended to be protected under the equal protection provision of the 14th amendment.

With the purpose of clarification in mind, it is extremely important to identify the origin of the problem. Let us get to the root of the problem. We will skip over the original 1954 Brown decision. I do not know anybody who believes that this decision could be reversed without a constitutional amendment and I do not know of anybody who believes that such an amendment could be adopted at this time. From the standpoint of the South, the original Brown decision was reluctantly accepted.

All States repealed statutory laws requiring segregation of schools. In some Southern States segregation was provided for State constitutions and these also were stricken from the fundamental law by constitutional amendments freely and voluntarily agreed to by the people.

So, de jure segregation, segregation imposed by law, came to an end in the South after the original Brown decision.

But—the second Brown decision did more than strike down segregation de jure. The second Brown decision said that previously segregated systems although constitutional, legal, and proper for 80 years preceding the Brown decision would have to be altered and the Court imposed an affirmative duty on local school authorities to do the altering in a manner to conform to new but undefined Supreme Court mandates.

Herein, Mr. President, lies the root of of the problem. Here is the original departure from law and reason which has proven the source of many problems. First of all the idea that the nonrepresentatives, nonelected, branch of the Federal Government could properly employ judicial powers to enforce monumental social reforms affecting the lives and welfare of millions of citizens is nothing short of revolutionary.

It is difficult to imagine a mere revolutionary or a more tyrannical idea. It has corrupted the Constitution and along with it fundamental concepts of equity and justice. This we will demonstrate in just a moment. But first, let us examine the method by which the Supreme Court sought to implement its idea of social reform by judicial decree. The method of implementation has compounded the problem a hundredfold.

Justice Black has given a fair summary of the method of implementation adopted by the Court. He said:

> After careful consideration of the many viewpoints . . . we announced our decision in Brown II, 349 U.S. 294 (1965).

At this point, Mr. President, I will list in numerical sequence precisely what the Court held—in the words of Justice Black:

> 1. We held that the primary responsibility for abolishing the system of segregated schools would rest with the local school authorities.

Justice Black continued:

> We were not content, however, to leave this task in the unsupervised hands of local school authorities. . . .
>
> 2. The problem of delays by local school authorities . . . was therefore to be the responsibility of courts, local courts so far as practical . . .
>
> 3. Those courts to be guided by traditional equitable flexibility to shape remedies. . . .

Mr. President, it staggers the imagina-

tion to consider that that Court devoted 4 days to the argument on this single problem of implementation and yet came up with something so impractical. For example, an undisputed fact is that local school authorities did not have and have never had the power to carry out the Court-imposed responsibility to dismantle the institutional structure of public education incorporating segregated schools. Local school authorities cannot alone establish a "unitary school system"—whatever that term may mean. The school system was imposed by State legislatures—by the law of the Constitution, and by State statutes.

It is simply incredible that the Court should have felt no responsibility to better inform itself as to powers of local school authorities. They should have known that schools are operated under voluminous school codes enacted by State legislatures. Local school authorities are not autonomous sovereign bodies with power to enact their own laws. Their powers are derived from State legislatures. The powers so conferred are executive in nature and not legislative. Local boards of education are not empowered to spend school funds as they see fit. School revenues are appropriated and are budgeted. State support is earmarked by legislatures by object and by purpose. In most school districts in the South a far larger portion of school operating revenues are provided by State legislatures than by local governmental bodies.

School boards cannot levy taxes—they cannot use proceeds of taxation which are earmarked for retirement of bond issues or for payment of teachers' salaries or to purchase buses. In most States, procedures for school closings, consolidations, and resulting transfer of pupils and teachers are prescribed by State statutes. State enacted teacher tenure laws strictly govern assignment and transfer of teachers.

Under the circumstances, Mr. President, how in the name of commonsense could the Supreme Court have imagined that local school authorities could reform the public schools? Is it to be imagined that these things could be done without money? Is it imagined that local school authorities can levy taxes?

I doubt that members of the Supreme Court or anybody else for that matter had a clear idea of the extent to which the Court would eventually go in pushing its reforms. Nevertheless, State legislators at the time, and I was one of them, reasoned that law does not require the impossible and that all that local school authorities could do within the realm of possibility was to administer fairly and impartially a system of pupil placements which permitted parents an opportunity to choose the school their child should attend.

Certainly, this reasonable appraisal of the possible was supported by the first definitive interpretation of the Supreme Court Brown decision, one of the original suits on remand to the district court.

In *Briggs* v. *Elliot* (132 F Supp. 776), the Court said:

1. "It (the Supreme Court) has not decided that the federal courts are to take over and regulate the public schools of the state.

2. "It has not decided that the states must mix persons of different races in the schools or must require them to attend schools, or must deprive them of the right of choosing the schools they attend.

3. "What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains—but, if the schools which it maintains are open to children of all races, no violation of the constitution is involved *even though the children of different races voluntarily attend different schools*, as they attend different churches. (Italics supplied.)

4. Nothing in the constitution or in the decision of the Supreme Court takes away from the people *freedom to choose* the schools they attend. *The constitution in other words does not require integration. It merely forbids discrimination.* It does not forbid such segregation as occurs as the result of *voluntary* action. It merely forbids the use of governmental power to enforce segregation. (Italics supplied.)

Mr. President, the Supreme Court denied certiorari and consequently the above interpretation was widely accepted by constitutional authorities as guidelines for State legislatures. Nine Southern States adopted the principle of "freedom of choice" and pupil placement laws as logical steps toward compliance with Supreme Court decisions in the Brown case.

Mr. President, as late as 1963 Federal Courts upheld freedom of choice and pupil placement laws and Federal courts have avoided holding that State constitutional provisions which protect the right of parents to freedom of choice are outlawed by the 14th amendment.

On the other hand, Federal courts, including the Supreme Court, have taken the position that freedom of choice, while not unconstitutional, is permissible only if parents choose schools so as to meet an unspecified racial mix as may be prescribed by various Federal courts.

This paradox in the law leads us to a consideration of the further steps of implementation set out in the second Brown decision. Let us consider the responsibility for judicial oversight which the Supreme Court imposed on Federal district courts.

Mr. President, is it reasonable or rational for Federal district courts to compel local school authorities to do what they have no statutory power to do? Well of course, it is not reasonable or rational. The Supreme Court started out in 1954 recognizing that segregation in Southern States had been authorized by State constitutional requirements and by State statutes. But then—in Brown II—the Supreme Court imposed a responsibility on local school authorities to undo the effects of constitutional and statutory law, and of custom, and tradition, and practice of nearly 90 years. And on top of that the Supreme Court imposed a duty on Federal district courts to preside over the process of compelling local boards to do what they had no power to do.

Mr. President, I submit to the judgment of reasonable men that the second Brown decision was a grave and almost incomprehensible mistake. The method of implementation prescribed was divorced from practical, down to earth realities. It had no relation to the factual situation as it existed then or as it exists today. Reason and rationality are the essence of law. Without these attributes of law a statute or decree can only be put into effect by force—sheer, brutal, naked force.

That, Mr. President, is precisely what the Supreme Court authorized when it invited district courts to preside over local boards of education and to fashion remedies under equitable powers of Federal courts.

District courts in the beginning accepted the Supreme Court recommendation with alacrity. They dusted off the extraordinary equitable remedy of mandatory injunction. They enforced their commands by the inquisitorial sword of confiscatory fines of $300 a day and threats of imprisonment without benefit of trial by jury. They substituted rule by law for rule by judicial decree backed by naked force. Since local school boards lacked valid legislative authority to comply, the courts substituted the authority of judicial decree. Federal district courts assumed responsibility for every phase and aspect of public school administration. There followed one of the most shameful periods of judicial tyranny in our history. Thousands of members of local school boards were literally subjugated under Federal judicial dictation and compelled to violate their sacred trust and carry out commands which they knew to be contrary to the best interest of the children under their protective care.

There is evidence to support the belief that some Federal district court judges retched on being forced by higher authority to do some of the things they were called upon to do in the name of law and the Constitution.

Soon spokesmen for the Supreme Court raised a hue and cry for Congress to take the monkey off the Court's back. A demand was raised for Congress to enact legislation titles IV and VI of the 1964 Civil Rights Act are a direct result of reaction to the distortions of the Constitution under judicial administration of schools. The need was for Congress to define rights to public education protected by the 14th amendment.

This Congress did in delegating power to the executive and in language so clear that no one could possibly have mistaken the meaning. As related to public schools, Congress granted power to desegregate and defined the term.

SEC. 401(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Congress said further:

SEC. 407(a)(2) . . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to assure compliance with constitutional standards.

Even later, Congress said in Public Law 89–750, section 181 (1966):

> Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States . . . to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

And still later, in 1968, Congress said:

> No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

At this point, Mr. President, it may be useful to point out the progression of shifting responsibility since 1964. Congress enacted the Civil Rights Act and thereby shifted responsibility for desegregating schools to the executive; the executive, after several years of experimentation with withholding food and necessities from innocent schoolchildren, became satiated and sickened by these acts of barbarism and then passed the buck back to Federal courts by inundating Federal courts with hundreds of lawsuits; Federal district courts responded by passing the buck back to the executive on the plea that Federal judges lacked the "expertise" to administer public schools and began ordering the executive to come up with school plans based on HEW interpretations of what the Supreme Court meant by such terms as "unitary school system" and "root and branch" and other legally meaningless words and phrases.

Mr. President, now the executive has created a Cabinet-level committee to explore least disruptive methods of implementing a mandate which remains undefined.

The point is that Congress and only Congress can straighten out this mess. It is time to stop the buck passing. Without a clear cut congressional determination of basic premises what can the executive do? Is it reasonable to expect the people whose policies and programs are largely responsible for the current mess to admit their errors and offer a constructive solution without first having received a clarification from Congress?

In my judgment, there is no way for Congress to avoid saying definitely what rights to public education are to be protected under provisions of the 14th amendment. Without such a determination the executive will continue doing what it has done before. It will continue to withhold funds from innocent schoolchildren and continue to furnish Federal courts with arbitrary, disruptive, unsound, costly, and thoughtless, hopped-up plans to achieve "racial balance" in schools. Without such a determination by Congress Federal courts will continue to enforce these plans by keeping members of local boards of education hostages under threats of financial ruin by confiscatory fines and imprisonment for contempt of court.

As a point of beginning, Congress must define the term "racial imbalance." Time and again Congress has limited the power to the executive by denying it power to correct "racial imbalance" in public schools. But—the Civil Rights Commission and the Department of Health, Education, and Welfare equate the term "racial imbalance" with "de facto segregation." Despite the fact that there is no connection in the meanings of these terms, these agencies insist that in every instance where Congress used the term "racial imbalance" Congress intended to say "de facto" segregation. As a result of this weird construction of the "racial imbalance" limitation on the power of the executive—the Department of Health, Education, and Welfare insists that the limitation is in reality a grant of power to compel racial balance in schools. But in the South only.

In the official explanation offered by the Civil Rights Commission, which is also the explanation adopted by the Department of Health, Education, and Welfare, the Congressman who originally offered the "racial imbalance" clause as an amendment to the statutory definition of desegregation is quoted as having said, "De facto segregation is racial imbalance." The converse is that racial imbalance is de facto segregation. Thus, it is reasoned that since Congress did not grant the power to bus pupils to overcome racial imbalance, it did not grant the power to overcome de facto segregation. And to further compound the problem, the Department of Health, Education, and Welfare takes the absurd position that all school segregation in regions outside the South is de facto and all segregation of schools in the South is de jure.

Of course, if the above were a rational definition of de facto segregation, the imbalanced schools in the South would come under the definition and the Department would have to admit that Congress denied it the power to close schools and bus pupils in the South. To avoid this the Department contrived a logically untenable and novel doctrine of a "dual constitution." As the doctrine relates to public schools, it yields a proposition that de facto segregation means one thing in one section of the Nation and something entirely different in other sections of the Nation. It yields the further proposition that "equal protection" means different things in different sections of the Nation.

The implications of this doctrine are shocking. But before discussing this feature let us consider the meaning of the purely contrived confusion created by use of the terms "de facto" and "de jure."

Should Congress undertake to define these terms it could do no better than turn to the authority of legal dictionaries for basic meanings. From the multiple uses of the terms a congressional definition would likely be structured around the basic idea that de jure means, "rightfully or lawfully established," and de facto means "actually; in fact; in deed, actually done."

From these basic meanings it must be clear the segregation in the South prior to the Brown decision was segregation de jure. It was lawful and proper. However, after the Brown decision and the repeal of constitutional and statutory segregation, what remained was in fact de facto segregation.

Mr. President, at this point let me remind the Senators that there is more racial segregation in public schools in regions outside the South than in the South. Furthermore, let me remind the Senators that almost every State of the Union has at one time or another had statutes which recognized or required or encouraged racial segregation.

Mr. President, Judge Walter Hoffman of the Fourth Judicial Circuit has compiled a partial list of racial statutes from every State of the Union. I request unanimous consent that this compilation be printed in the RECORD at the end of these remarks. I invite Senators to consult this compilation and bear in mind that segregation under law in the North was as much de jure as it was in the South.

Furthermore, Federal Housing Administration underwriting manuals for many years recommended insertion of racial covenants in deeds and in this connection warned that incompatible racial elements in neighborhoods would reduce the value of property. The 1938 manual advised:

> If a neighborhood is to obtain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes . . .

Even after the Supreme Court decision on unenforceability of racial covenants in 1948, FHA continued to treat racial integration of housing as reason for disapproving loans. This is segregation under law. One cannot avoid this judgment.

Mr. President, it is self-evident that neighborhoods and residential areas precede the location of schools. It follows that governmental actions creating segregated neighborhoods are in effect governmental actions creating segregated schools. Such segregation is de jure in the North as well as in the East and West.

It is true that racial covenants are no longer in effect anywhere. But the segregated neighborhoods are still there as are the schools that serve them. This is de facto segregation.

I submit that no reasonable distinction can be drawn between de facto segregation resulting from previous laws in effect in regions outside the South and de facto segregation resulting from previous laws in effect in the South. Both have resulted in racial imbalance in schools due to previous segregation authorized or encouraged by laws.

If Congress did not intend to overcome racial imbalance in schools in regions outside the South, it cannot be said in reason that it intended to empower the Department of Health, Education, and Welfare to overcome racial imbalance in the South and only in the South.

If Congress were to accept the "dual constitution" construction of the Civil Rights Act—consider the necessary implications.

Are we to conclude that the civil rights leaders in Congress in 1964 intended merely to offer a half of a loaf? Are we to assume that they were cynical Machiavellians bargaining for votes and deliberately hid the fact that the eduction sections of the law were intended to cover only one region of the United States? Or is the public to believe that these leaders were hypocritical and deliberately resorted to clever, undefined terms, to confuse the public but with the purpose and

intent of excluding three-fourths of the States from operation of the law?

Mr. President, I reject all of these conclusions. I resent the implications inherent in HEW rationalizations which suggest that Senators or Congressmen attempted to exclude their own States from operation of the education powers of the Civil Rights Act.

Instead, I contend that the law means what it says. That the executive was not granted power to close schools and bus pupils to overcome racial imbalance—period.

I contend that Congress did not intend to authorize nor did it empower the Department of Health, Education, and Welfare to close neighborhood schools anywhere in the United States or to bus pupils anywhere for the sole purpose of achieving racial balance in schools no matter where such schools are located in the United States.

Such is the law that prevails throughout the United States—except in the South—where the Department of Health, Education, and Welfare has convinced some Federal district court judges that Congress deceived the public and never intended for the act to apply in three-fourths of the States.

It is not my purpose to cite the law which makes it unmistakably clear that racial discrimination in regions outside of the South is just as unlawful as racial discrimination in the South.

If Congress wants to insist that continuing segregation resulting from previous laws in the South violate constitutional rights, it cannot say that continuing segregation resulting from previous laws in other regions does not violate constitutional rights. And if Congress does not act, just as surely as I am standing here—neighborhood schools throughout this Nation will soon be closed and children bused all over cities and counties to overcome racial imbalance just as is happening in the South today.

Mr. President, there is a reasonable solution to this problem. Surely, if every child in a school district has an absolute right and opportunity to go to any school he chooses, subject only to limitations of space, the rights of no child or parent has been violated. From that point on time and patience and understanding will take over. Any other course is tyrannical. It denies hundreds and thousands of children of a right to attend neighborhood schools for no other reason than the color of their skins. It denies legal rights of parents and teachers. It threatens loss of public support of education. It threatens ruin and chaos not limited to public education.

Mr. President, the bills and amendments introduced by those of us most familiar with the chaos in public education in the Southern States are designed to correct gross departures from law and to reestablish the sound principle of "freedom of choice" as a right long protected by courts throughout the United States. We intend to extend the protection of that right to parents and children in the South.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 514) was read the third time.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, before proceeding to a vote, I should like to take this time to ask the distinguished majority leader if he can tell us about the program for the rest of the day and the rest of the week, if possible.

Mr. MANSFIELD. Yes, Mr. President; I am delighted to respond to the question of the distinguished acting minority leader by stating that it is the intention of the leadership to call up H.R. 860, an act to amend section 302(c) of the Labor-Management Relations Act of 1947, and so forth.

That will be followed, hopefully and in time, by S. 2548, a bill to amend the Nutritional School Lunch Act, and thereafter in time by S. 3387, a bill to amend the Rural Electrification Act, and then—not necessarily in this order, but approximately so—by H.R. 14944, an act to authorize an adequate force for the protection of the Executive Mansion, and foreign embassies, and so forth; H.R. 11102, having to do with the Public Health Service; and H.R. 14465, having to do with the improvement of the Nation's airport and airway systems.

I hope it will be possible to get all of these matters out of the way, because I am fearful that when we reach the nomination of Judge Carswell and the extension of the Voting Rights Act, and other proposals, we may once again be engaged in extended debate. So we ought to take as much advantage as we can of this time to keep the calendar clear, and to keep the Senate on top of its business, in which it has been doing, may I say, a splendid job. This is the end of the first month of the second session of the 91st Congress, and I think the record of this body in that 30-day period has been magnificent, to say the least. To paraphrase the words of Al Smith, "Just look at the record." [Applause.]

Mr. GRIFFIN. In view of that magnificent record, I wonder if the majority leader can give us some idea of whether or not Senators are going to be expected to come in on Saturday.

Mr. MANSFIELD. It is possible. [Laughter.]

PRESIDENT'S MESSAGE URGING RATIFICATION OF GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, the Senate received today a message from the President of the United States urging action on the Convention on the Prevention and Punishment of the Crime of Genocide, together with a report from the Secretary of State relating to the convention. I ask unanimous consent, as in executive session, that the texts of these letters, to which a copy of the convention is appended, be printed as a Senate executive document—Exhibit B, 91st Congress, second session—and referred to the Committee on Foreign Relations. I also ask unanimous consent that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

The Convention on the Prevention and Punishment of the Crime of Genocide was transmitted to the Senate by President Truman on June 16, 1949, with a view to receiving advice and consent to ratification. Although hearings were held in 1950 by a Subcommittee of the Committee on Foreign Relations, the Senate itself has not acted on the Convention. Now, twenty years later, I urge the Senate to consider anew this important Convention and to grant its advice and consent to ratification.

In the aftermath of World War II, United States representatives played a leading role in the negotiation of this Convention. It was adopted unanimously by the United Nations General Assembly on December 9, 1948, and signed on behalf of the United States two days later. The Convention entered into force on January 12, 1951, and seventy-four countries from all parts of the world and every political persuasion have so far become parties.

The provisions of the Convention are explained in the enclosed report from the Secretary of State. The Attorney General concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification. I endorse the Secretary of State's considered judgment that ratification at this time, with the recommended understanding, would be in the national interest of the United States. Although the Convention will require implementing legislation, I am not at this time proposing any specific legislation. The Executive Branch will be prepared, however, to discuss this matter during the Senate's consideration of the Convention.

In asking for Senate approval of the Convention twenty years ago, President Truman said:

"By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime."

Since then, I regret to say, some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocally our country's desire to par-

ticipate in the building of international order based on law and justice.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

Mr. PELL. Mr. President, I congratulate the Senator from Wisconsin on his statement, and on this culmination of his long efforts in this regard. I know what joy this announcement would bring to the heart of my father, who was the original U.S. Representative on the United Nations War Crimes Commission. I share the hope of the Senator from Wisconsin that the Senate will proceed in due course to ratify the convention.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, immediately following the approval of the Journal tomorrow, the Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed one-half hour.

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

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, following the speech of the Senator from Wyoming, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 1 hour.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, following the speech of the Senator from Illinois (Mr. PERCY) tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, I ask unanimous consent, because it is anticipated that there will be numerous requests for copies of this measure, that the bill (H.R. 514) be printed as passed by the Senate.

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

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall the bill pass?

Mr. JAVITS. Mr. President, we have not yielded back our time yet on this side.

Mr. MAGNUSON. Mr. President, this is a very fine bill. We have been debating it now for 5 days, and I have not heard yet, and I have been on the floor quite a bit of the time, in fact most of the time, anyone talk about the fact that this measure involves the authorization of $35 billion.

The Senator from New Hampshire and I have the somewhat dubious privilege of funding this bill. I want it to be known right here and now, so that there will be no objection, as always occurs when millions of people are interested in a matter such as this, their hopes get up that they are going to get—and maybe they will—$35 billion.

However, many a time, in the hearings on HEW, we have heard people come and testify, "Well, we were promised x number of dollars," and there is sometimes a great difference in amounts between an authorization and an appropriation. This applies to the executive department as well, and to the Bureau of the Budget, when they send up the budget for this education bill.

I hope that the millions of people in this country who are interested in this matter will realize that this is an authorization. Of course, we will all try to fund it, as much as we can. There are even some organizations which—they are called full-funding organizations—no matter what you authorize, they assume that that is what Congress committed itself to. Well, Congress did commit itself to an authorization, but the funding is another matter, and I simply do not want any dashed hopes about this matter, because I have come through a very complex experience with this bill up to date.

We are going to start hearings again very shortly on the 1971 budget, if we can ever get the 1970 appropriation over with. My subcommittee members know what I am talking about. So I hope my friends in the press gallery will, once in a while, instead of making their headlines read "Senate Passes Bill for $35,962,000,000 for Education Aid," at least add, by way of a footnote, "This is the Authorization."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, over how long a period of time is that $35 billion to be expended?

Mr. MAGNUSON. Over 4 years.

Mr. CURTIS. I appreciate the remarks of my distinguished friend from Washington very much. A school official came into my office not many weeks ago, and, in discussing this subject, he said that Congress had authorized four times as much Federal aid to education as it had ever funded.

Upon investigation, I find that that is substantially true, or nearly so. Is there any hope of Congress passing—I am not urging it, but I am asking the Senator—is there any expectation that Congress will appropriate the $35 billion over 4 years?

Mr. MAGNUSON. If I had my way, I would come pretty close to it, but I do not think there is much expectation in the next 3 years of anybody down at 1800 Pennsylvania Avenue—and I do mean 1800 instead of 1600—asking for that amount of money.

Mr. CURTIS. I hope they do not.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. It also should be borne in mind that when we talk about $35 billion for education, when it becomes our painful job to report an appropriation bill for Health, Education, and Welfare, we have all the money for health and for medical research under health, we have all the money for social security under welfare, and for whatever plan is going to be presented to care for the needy in this country; and when we get through with those two, we get to the $35 billion authorization over 4 years for education. I do not believe there is a better investment in the world than in education.

Mr. MURPHY. Mr. President, may we have order? This is an important colloquy, and it is impossible to hear what the distinguished Senators who are going to be charged with this matter are saying. We cannot hear a word of it in the rear of the Chamber. May we please have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. I believe we will all agree that this country can make no better investment than in education, provided the money that we appropriate is carefully aimed at the target that hits the target, and that a lot of it does not stick in bureaucratic pockets on the way.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Will the Senator suspend momentarily?

The Chair would like to observe that the hour is late. There have been four or five requests in the last hour of the Chair to ask the Senate to come to order. The Chair does not believe this type of request should have to be made more than about once an hour. The Senate will please be in order.

Mr. COTTON. I know that the distinguished Senator from Washington—the chairman of the subcommittee on which I have the honor to serve—is hardworking, faithful, and conscientious, as are others on the committee. We will try to give just as much of this money as possible and do it in such a manner that it will be used most effectively, bearing in mind that the $35 billion is a ceiling, not an appropriation.

Mr. HART. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield 1 minute to the Senator from Michigan.

Mr. HART. Mr. President, we have talked almost entirely about a highly sensitive area in our society: What do we do in the North and what do we do in the South about the schools where the racial balance simply does not exist? Lots of plans; lots of hopes. But if we do not

understand that basic to the resolution of this problem is insuring that these schools, which number in their enrollment principally children from deprived homes, have to be upgraded before any plan is going to work, we have not learned anything.

Approximately $23 billion of the $35 billion or $36 billion that the Senator from Washington talks about is aimed at that target.

I regret very much that the request from the White House for the coming year in title I is even less than the money we have appropriated for title I. This just would not make sense. It is not the responsibility of the Appropriations Committee solely. It is the responsibility of all of us to make sure that most of that promise is delivered, else we will be lecturing ourselves, "Who shot John?"—North and South—in these hard-core schools for another decade. Prayer and good work alone will not cure this one. This kind of money will.

SEVERAL SENATORS. Vote! Vote!

Mr. HOLLAND. Mr. President, will the Senator yield me 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad that the Senator from Washington and the Senator from New Hampshire have raised the point they have raised. I shall vote for this bill. I shall do so, however, with the distinct understanding that literally dozens of different projects of varying merit are included in this immense bill. Some of these projects I approve in their entirety; some of them I do not.

I realize that, although I shall not be here after this year, appropriation committees will have to struggle with these projects during the entire period covered by this bill and that they will be given a different footing year after year—some highly desirable, some not so desirable. Some may be regarded as not at all desirable under the conditions then prevailing.

I simply wanted to say that while I support this bill because it contains many objectives of which I heartily approve, I do so with the full knowledge of the fact that the Senate in this year or in subsequent years cannot look forward to the complete funding of all the dozens of different objectives. I have understated it. I believe there are at least a hundred different objectives in this bill.

I thank the Senator for yielding.

Mr. PELL. Mr. President, before yielding back the remainder of my time and fading to the more pleasant obscurity of the third row in the Chamber, I must say that I hope very much the Appropriations Committee and the Bureau of the Budget and the White House will recognize that, while this may be a large authorization, it is the will of the Senate, which is the will we will try to have prevail. And I add, we will do our best to do an equal job for all amendments in the confereence. I hope that the country will realize that, large as this bill may be, it reflects our sense of prioroties.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from New York yield back the remainder of his time?

Mr. JAVITS. Mr. President, I join in the remarks of the distinguished Senator from Rhode Island. I think these programs will stand up. I think they are directed at the most critical resource of America, the children, millions upon millions of whom will benefit, and we know that the Senate will not fail them. I believe we have given the Senate the tools with which to act and the framework within which to do it wisely.

STRENGTHENING IMPACTED AID

Mr. MCINTYRE. Mr. President, I favor the passage of H.R. 514, which extends programs of assistance for elementary and secondary schools.

There was a time in the world's history when the necessities of life were food, clothing, and housing. I believe we can add education to our necessities. The complex nature of today's world demands an education. Without it, a person may exist but we can hardly be expected to live.

The elementary and secondary education program has made major contributions to the educational process in this Nation and it can continue to make even greater contributions in the future.

In supporting this legislation, however, Mr. President, I do not want to leave the impression that I support every dotted "I" or crossed "T." Of course, I doubt that any piece of legislation which is presented here in the Senate, debated and passed, has the complete endorsement of every one of my colleagues for every line, and every section, and every title. This is one of the greatnesses of this body of the Congress that we can bring together a widely divergent mass of viewpoints and interests and weld them into support for meaningful and progressive legislation.

For example, I have questions in my mind about the present impacted school aid program. I hasten to say that I support the principle of this program. I believe that Federal assistance is necessary in those areas where there are Federal installations and large numbers of Federal emloyees. Without the assistance of the impacted aid program many of these areas would suffer unnecessarily and the school system would be hard pressed to provide top-flight education. The local residents in these areas would be forced to bear a tax burden out of line with taxpayers in areas where there is not a large concentration of Federal installations and employees. Impacted aid was devised as a program alternative to taxes. It was not meant to be a welfare program, as so many critics seem to regard it.

In my State of New Hampshire, the impacted aid program has been of major significance to the educational program in several areas of the State. This has been particularly true in the Portsmouth, N.H., seacoast area where the Portsmouth Naval Shipyard and the Pease Air Force Base are located. The impacted aid program has undergirded elementary and secondary education in at least 10 school districts in and near Portsmouth. Without the program, the taxpayers in this section of New Hampshire would have to bear a heavier burden to provide quality education.

The questions in my mind, however, relate to the formula for distribution of funds under the impacted aid program. This program has been in existence for a decade and questions have been raised as to the distribution of the funds and the basis on which this distribution is made.

Since I want to see this program continue and since the principal thrust of the attacks on it have been directed at the relationship between the amount of funds awarded these areas and the particular needs of the area, I would hope that before this vital program is again considered by the Congress there be a special study of the formula to see how it meets the needs of today and what changes might be called for in light of new conditions since its inception.

Mr. President, I believe such a study will not only remove much of the basis for criticism of this enormously important program, but could lead to further strengthening of it at the same time.

Mr. RANDOLPH. Mr. President, it is a privilege to support the pending elementary and secondary education bill. This measure is a significant effort toward the continued development of quality education programs for the school systems throughout our Nation.

As a member of the Education Subcommittee, I know of the intensive study and work which has been required in the formulation of this bill. Under the able leadership of the distinguished subcommittee chairman, the Senator from Rhode Island (Mr. PELL), and with the diligent participation of the ranking minority members, Senators PROUTY and JAVITS our subcommittee has developed a measure which will continue, expand, and refine Federal support for elementary and secondary education. All members of the Subcommittee on Education and the full Committee on Labor and Public Welfare participated actively in the discussions of the pending bill. It has been a bipartisan effort with the overriding objective of quality education always in mind.

This measure contains many amendments to improve the already solid base of educational programs and it authorizes a number of new programs to meet special needs. The extensive provisions of the bill have been presented in detail by the Senator from Rhode Island (Mr. PELL). The Senate shortly will continue its commitment to programs of aid for educationally deprived children; for library resources and textbooks; for supplementary education centers; and for strengthening State departments of education. Additionally, bilingual education, adult education, and vocational and handicapped programs will be improved by the provisions of this bill. It is important to note also the valuable provisions for evaluation and codification of education laws. These are only the highlights of the elementary and secondary education bill. There are many important areas covered in the measure. As a whole, they constitute a continuation and reinforcement of the efforts to provide quality education to benefit millions of schoolchildren throughout our country.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 51 Leg.]

YEAS—80

Aiken	Fong	Moss
Allen	Fulbright	Murphy
Allott	Goodell	Muskie
Anderson	Gore	Nelson
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Percy
Bible	Holland	Prouty
Boggs	Hollings	Proxmire
Brooke	Hruska	Randolph
Burdick	Hughes	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Sparkman
Cook	Long	Spong
Cooper	Magnuson	Stennis
Cotton	Mansfield	Stevens
Curtis	Mathias	Symington
Dole	McClellan	Talmadge
Eagleton	McGee	Thurmond
Eastland	McGovern	Williams, Del.
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Montoya	

NAYS—0

NOT VOTING—20

Cranston	Hatfield	Scott
Dodd	Kennedy	Smith, Ill.
Dominick	McCarthy	Tower
Goldwater	McIntyre	Tydings
Gravel	Metcalf	Williams, N.J.
Harris	Mundt	Yarborough
Hartke	Packwood	

So the bill (H.R. 514) was passed.

Mr. PELL. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JAVITS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the senior Senator from Texas (Mr. YARBOROUGH), the chairman of the full Committee on Labor and Public Welfare, in connection with the passage of this bill.

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

STATEMENT OF SENATOR RALPH W. YARBOROUGH ON SENATE PASSAGE OF H.R. 514

American education will profit for years to come from this favorable Senate action on the Elementary and Secondary Education Amendments of 1969.

Through this four year extension of support of education at the elementary and secondary levels, the Senate assures that the federal interest in developing the intellect of our young people will continue.

I call attention particularly to the fact that the programs in this bill do not and cannot replace local effort, financial and administrative. Each of them is compensatory to local effort.

The categorical approach has emphasized that the federal government's role is one of adding federal money to support education services the local community is unable to provide.

Title I is a federal recognition that a school district with a large number of children from poor families is usually a school district with little financial base to support education. It also recognizes that these children need *more* help in the schools than do children from moderate or high income families.

This is why the largest of the categorical programs goes into schools on the basis of their numbers of poor children.

This is exactly the kind of compensatory education that many critics of the appropriation bill have implied should prevail throughout all federal aid to education, though many of them also fail to support adequate appropriations for Title I.

Other programs we are extending in this bill are also designed to support but not replace local effort. In Texas, 40 percent of our elementary schools still lack a library. We are not replacing any local effort with a $200 million authorization for libraries for schools for fiscal year 1971 in this bill. We are trying to make up what the states and communities are unable to do for so many educational needs.

The bilingual program we adopted through my bill in 1968 is another example. Local school districts simply have not been able to institute teaching in two languages. It takes specially trained teachers, and extensive plans. In this bill we extend for four years the bilingual education program, and increase its authorization to $80 million in 1971 and to $170 million in 1974.

The Senate has also acted wisely to extend the non-categorical aid for school districts affected by federal activities, the impacted aid program. In most respects, this is not a true aid to education programs, even though it is enacted as part of education legislation and administered by the Office of Education.

More accurately, it is a payment in lieu of taxes, for the federal property which brings families into a school district is not taxable by the school district. This federally impacted aid is a matter of tax equity, more than aid to education, and must be maintained in fairness to local school taxpayers.

Having passed this legislation, the Senate must move on to see that it is adequately financed. We must not pursue a course of false promises to the children, parents, teachers, and school administrators of America.

They are counting on Congress to support education in the manner this legislation outlines. We must do so by appropriating the amounts it authorizes to raise the educational level and standards of the country.

Mr. MANSFIELD. Mr. President, the chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, the distinguished Senator from Rhode Island (Mr. PELL) is to be congratulated deeply for the manner in which he managed this extremely important measure. Its success is a singular achievement for Senator PELL. I believe it is his first year as chairman of the subcommittee. I believe it is the largest education proposal ever adopted by this body in terms of the funds authorized. Arranging for the educational welfare of our Nation's children is a difficult and complex task. Senator PELL performed the task. He did a splendid job in using his expertise to sort out and clarify the many provisions of the bill. The Senate is indebted to Senator PELL and to his entire Education Subcommittee for their hard work both in committee and on the floor of the Senate.

I would like to express my gratitude as well to the senior Senator from New York (Mr. JAVITS) for his contributions to the debate on this measure. As the ranking minority member of the Senate Labor Committee, his grasp of the legal aspects of the measure was most helpful and indispensible to the efficient disposition of this measure. We are indebted for his thoughtful views and for his outstanding support and assistance.

We are indebted to many other Senators as well. The contributions of the Senators from North Carolina (Mr. ERVIN) and Massachusetts (Mr. BROOKE) should be noted.

The Senator from Minnesota (Mr. MONDALE), is also to be commended for adding to the high quality of debate. Not only did he bring to the discussion his always sincere and probing views, but I believe the success of his proposal setting up a select committee to recommend remedies for equal educational opportunities was one of the most significant contributions of the past few days.

In this connection, the Senate is grateful to the senior Senator from Mississippi (Mr. STENNIS), as well. He presented as always a highly compelling case. Along with the Senator from Connecticut (Mr. RIBICOFF), he attracted the focus of the Senate and of the entire Nation to the matter of educational opportunities and to the efforts to provide

equality regardless of race, color, or national origin. It has been a difficult problem—and a problem that is not confined to any one geographical area. I commend these Senators for exposing the problem and for obtaining the focus of the Nation.

But perhaps even more outstanding as I already indicated was the achievement of Senator MONDALE in successfully establishing a select committee to deal with the problem. It was in the success of his proposal that the Senate may take its greatest pride. I look forward to the forthcoming recommendations of the select committee so that the implementation of equal and nondiscriminatory educational opportunities can be improved throughout the land. I think the American people will welcome this endeavor.

With the success of this measure I am proud to say, the Senate has now disposed of 33 major pieces of legislation since it convened just 1 month ago today. Needless to say, I am gratified by this record. It has been a truly remarkable beginning for a session and one that, in my judgment, has already set the tone for the days and weeks and months ahead. I wish to thank every Member on both sides of the aisle for their cooperation and assistance. It has made possible our great success to date and I am most grateful.

Finally, so that the record will stand complete, Mr. President, I ask unanimous consent that a table showing the legislative achievements for this first month of the second session of the 91st Congress be printed at this point in the RECORD.

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

Dairy Products Donation.
Egg Products Inspection Act.
International Animal Quarantine Station.
Tomato Promotion Through Paid Advertising.
Continuing Appropriations through February 28, 1970.
Foreign Aid Appropriations, 1970.
Labor-HEW Appropriations, 1970, conference report.
Controlled Dangerous Substances Act.
Organized Crime Control Act.
Marine Corps Band Director and Assistant Director.
Naval Flight Officers' Command.
Savings Deposit Program for Certain Uniform Services Members.
Selection Boards.
Transportation to Home Ports.
Credit Unions—Independent Agency Status.
Federal National Mortgage Association.
Air Pollution Interstate Compact between Ohio and West Virginia.
Newspaper Preservation Act.
Railroad Retirement.
Everett McKinley Dirksen Federal Office Buildings.
Tribute to General Omar N. Bradley and Allied World War II Victory in Europe.
International Clergy Week.
Mineral Industry Week.
Discriminatory State Taxation of Interstate Carriers.
Accessibility of Public Facilities to Physically Handicapped.
Shipper's Recovery of a Reasonable Attorney's Fee.
Urban Mass Transportation Assistance Act.
Foreign Service Retirement System Adjustments.
Legislation to Implement the Convention on Recognition and Enforcement of Foreign Arbitral Awards.
American Prisoners of War in Southeast Asia.
Clean Waters for America Week.
International Petroleum Exposition.
Elementary and Secondary Education Amendments.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from Rhode Island (Mr. PELL) for the splendid way in which he handled himself as the Senator in charge of the bill. As one who took part in some of the contested amendments, I had an opportunity to observe him closely. His intentions are fine. His capacity is truly great. He was well prepared on all aspects of the bill. We did not get into much that he was not prepared for. I believe that he has rendered the Senate a distinct and valuable service and I want to thank him as one Member of the Senate.

I also thank the minority member, the Senator from New York (Mr. JAVITS).

As always, he was well prepared.

As usual, he was this time, too. I thank him also, as one Member of the Senate.

Mr. JAVITS. I thank my colleague from Mississippi.

Mr. President, I have worked with the Senator from Rhode Island (Mr. PELL) for a considerable time. In addition to which, he is a very dear, personal friend of mine.

As a Senator, I commend him highly for his splendid handling of the bill on the floor of the Senate. He did so with the greatest tact, diplomacy, and grace and, at the same time, with a thorough understanding of how to get a bill passed through the Senate.

As a friend, I took a great deal of pride and derived so much satisfaction from the way in which he comported himself under difficult circumstances.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I desire to pay tribute to my junior colleague, Mr. PELL.

I have the highest admiration for the patience he exhibited over the past few days.

Let me say that, insofar as the substance of the bill is concerned, it was never challenged. It was really an exercise in civil rights and was a little bit apart from the bill as such.

My colleague, Mr. PELL, has rendered yeoman service to the Senate and he deserves the plaudits of the entire Senate.

Mr. JAVITS. I thank my colleague from Rhode Island.

Indeed, it should be noted, as I am informed by my staff, that this is the largest education bill ever to pass either body.

Just because a bill is gargantuan does not necessarily commend it, of and by itself, but I know that it will do the job for America's children in terms of the Federal role which needs to be carried out.

Unless Members are astounded by the figures, let me point out that there are triggering mechanisms in the bill which can only come into effect when money rates of aid to schools are achieved. And so the figures which cumulatively seem to be much greater than they really are, when we remember that the HEW appropriation represents a $19 billion appropriation, then the figures which could otherwise sound overwhelming come somewhat into focus.

Mr. PELL. Mr. President, I thank my colleagues very much for their undeserved but kind words.

I must say that the Senator from New York, who is the ranking minority member of the full committee, has helped and supported me so much in the areas of my lack of knowledge, which are many. I stand not only as his friend and partner, but have considerable gratitude to him.

I also thank those of my other colleagues who helped me, because I am not as well grounded on civil rights as I would like to have been. I would say that I have had a crash course in the last 5 days. I am most grateful to them and particularly to the Senator from Rhode Island (Mr. PASTORE) for his assistance, the Senator from Minnesota, (Mr. MONDALE) has helped me a great deal in managing this bill, I also am grateful to the Senator from Mississippi (Mr. STENNIS), for the grace and fairness with which he pressed his amendments. We worked with the Senator from Mississippi and the Senator from North Carolina to try to allocate the time as equitably as possible.

I cannot finish without an acknowledgment to those who do the real work. I am thinking of the counsel of the Education Subcommittee, Stephen Wexler and also of Richard Smith. Both of these men have given unstintingly of themselves and of their knowledge. And the fact that they both have been married in the very recent past has not diverted them from their immense help to me and hard work.

Mr. JAVITS. Mr. President, I express my appreciation to my two assistants, Roy Millenson, who is the committee staff member in respect of education, and Mrs. Pat Shakow, who is my staff assistant with respect to civil rights. They worked very hard and well.

I join with the Senator from Rhode Island (Mr. PELL) in expressing my appreciation to those Senators with whom we contended—the Senator from Mississippi and the Senator from North Carolina. They worked and cooperated with us to get the bill out, even though we may have disagreed.

I should also like to thank the members of our committee, the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. EAGLETON), and the Senator from Vermont (Mr. PROUTY), who, incidentally, is the ranking member of the Education Subcommitee, and the other Members of the Senate who took a great interest. I include the Senator from Illinois (Mr. PERCY). I express my gratitude.

Mr. PERCY. Mr. President, I have

watched with great admiration the way my two fellow tennis players have passed the ball back and forth. I do not know whether it was a diversion, but there never seemed to be a question of whether we were authorizing too much money. Somehow or other, we avoided the fact that $35 billion is involved in the bill.

I think it is a reasonable bill. I think the committee has gone about balancing the matter and putting the funds where they should be.

I can recall that, when I ran for office the first time in Illinois, the question was often put to me—which was supposed to be a trap—"Where do you stand on aid to education?" When I said that I was for it, I found that I lost more votes by my answer. And I do not know of a single community there that does not need the money to help the children in many areas.

I commend the Senators for the excellent job they have done.

OUR SUPPORT LEVEL OF THE U.S. TROOPS IN NATO

Mr. PERCY. Mr. President, during the hour tomorrow that the majority leader has so generously provided for me, I intend to address myself to the problem of our support level of the U.S. troops in NATO.

Yesterday, the President in a remarkable message called for an adjustment in the balance of "burdens and responsibilities" between the United States and our NATO allies.

I was pleased to note today that the Secretary of the Treasury, Secretary David Kennedy, in his testimony before the Joint Economic Committee said:

> We are seeking a more equitable distribution in the burden of mutual defense expenditures.

I was pleased also that Chairman Burns of the Federal Reserve System in his testimony before the Joint Economic Committee Wednesday indicated very forcefully that the offset loan arrangements that have been made are totally unsatisfactory. In effect, they can be called phony loan arrangements to temporarily defer the agony of paying for our troops in NATO.

We find ourselves in a position of borrowing money from the Germans and paying them interest on it—market interest rates in some cases, in order to provide funds for the common defense of Europe.

I intend to address myself tomorrow to that subject and would be grateful to have any other Senators who want to express views on the same subject to join with me at that time.

THE HUNGER PROBLEM

Mr. PERCY. Mr. President, there are hungry people in Chicago, East St. Louis, and in many other urban and rural areas in America. Doctors know them by their swollen stomachs, iron deficiencies, stunted growth, rickets, and lead paint poisoning. Teachers know them by their listlessness in school, their inability to pay attention, to learn. Social workers know them by their homes, their empty refrigerators, their welfare applications.

These are hungry children, pregnant mothers, elderly men and women. In Chicago, they are people who live in the inner city where the infant mortality rate is 38.5 out of 1,000—75 percent higher than in Chicago's nonpoverty areas. They are people who work but still do not earn enough for food. They can work 8 hours a day, 5 days a week, 50 weeks a year at the minimum wage and still have incomes below the poverty level. They are people who receive food stamps and people who cannot afford them, welfare recipients who are expected to allocate only 26 cents for each meal they eat.

No one in Chicago really knows how many hungry people there are since no one has taken an accurate count. But there are estimates of at least 200,000 children and 100,000 elderly who are malnourished but still managing to exist in the city.

Two weeks ago I once again learned firsthand about these people. A doctor from a Chicago hospital called my office in search of food for six children he was treating for malnutrition. These were children who needed food at once, more food than could be purchased with food stamps—if their families could afford food stamps. We found food for these children through volunteer agencies. But we also discovered that, for the many hungry children like these six, there is no food in Chicago available to them. Chicago does have a food stamp program which assists approximately 35 percent of their AFDC families and 30 percent of their other welfare recipients. It does have a rapidly growing school lunch program which provides a nourishing meal to approximately 115,000 children a day. Chicago even has an emergency relief program that provides a food voucher to the poor in case of disaster—the cost of the voucher, however, is deducted from the recipient's next welfare check. And now, after nearly a year of negotiations and planning, Chicago has a nascent OEO food voucher pilot program. Unfortunately, this program only serves children under 1 year old in a single small welfare district in the city.

What Chicago does not have now is a supplementary food program for those who cannot afford food stamps, do not receive a school lunch, cannot stretch their welfare checks to buy food once the rent, heat, doctor, and electricity bills are paid.

We had such a program in Chicago in the early 1930's during the Great Depression and it made the difference between whether my family had food for meals or not. Such a program was reinstituted in Chicago last year for less than a month. But the demands for participation were apparently very great for the program. It was difficult to administer and was quickly abandoned to the great harm of those who most needed help.

The rest of Cook County has such a supplementary food program operated through the OEO office. This, too, is a new program which took many months to establish. But it provides milk, juice, cereal, eggs, and other food to children 6 and under. The program has been functional since last Thanksgiving and is already serving 3,500 children.

We may well ask why Chicago does not move more effectively to feed its hungry. We can even point fingers and set the blame. However, that would solve very little for I suspect that Chicago is not much different or much worse than other large urban areas with hungry poor—too financially pressed, too riddled with redtape to seek out and feed its malnourished.

The Chicago situation is, in part, an indictment of our existing methods for dealing with poverty and hunger. We cannot solve these problems with a food stamp program that is too expensive for the poor to afford, that does not provide free stamps for the most needy. We cannot solve these problems with a commodity distribution program that cannot be implemented in an area which operates a stamp program. Certainly an AFDC program with payments that vary from State to State and a myriad of special programs are not the solution.

We need reform. This is the lesson of Chicago. Better programs, a guaranteed level of family assistance, a principle supported by the Nixon administration's welfare reform program, jobs, and job training are the solutions to eliminating hunger and poverty.

Mr. President, if we do not make better provision for helping our poor and our hungry we will be doing more than cheating our children in Chicago, East St. Louis, and other urban and rural populations of the country. We will be hurting ourselves, depriving our society of people who could be productive, who could contribute to its future growth.

Mr. President, on February 15, the Chicago Sun-Times described the efforts of the city of Chicago to combat hunger. I ask unanimous consent that this article be printed in the RECORD.

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

LACK-OF-PROGRESS REPORT IN CITY'S WAR ON HUNGER

This is a progress report on the war on hunger in Chicago.

Lack of progress might better describe it.

Persons long concerned with the problem agree little has been accomplished since Mayor Daley promised to "put food on the table" nearly 10 months ago.

The only sizable step has been a tenfold increase in the number of children receiving free school lunches. And this program is in danger of running out of funds.

The Rev. Jesse Jackson, leader of Operation Breadbasket, which is in the second phase of its antihunger campaign, says, "People have moved from disinterest to concern, but hungry people have not been fed."

Mayor Daley's emergency food program, begun May 12, was turned over to the Cook County Department of Public Aid after 36 days of operation in the city's 14 Urban Progress centers. Since then the public aid office at 70 E. 21st has been open evenings and weekends to issue disbursing orders to people in immediate need of food.

Under this program, 11,420 people applied for food between Aug. 4 and Jan. 5. Disbursing orders totaling $149,373 were issued to 9,263 persons. Some 35 per cent already were on public assistance. Unless they ran out of food for a catastrophic reason, such as fire or robbery, the amount they received was deducted from their next welfare check.

Mrs. Virginia Stevens, a West Side widow active in the welfare rights movement, took a neighbor who had been robbed to the 21st St. office on a recent Friday.

"We got there before they closed, but there was a long line and they told us we would have to come back tomorrow. I told them she didn't have any food in her house, but they said they had already served 160 people that night and they couldn't take any more. They turned away two families that night."

Mrs. Pauline Perisee, a community representative for the Fiske School in Woodlawn, sees many children come to school hungry because their families are out of food. She helps the families with money from a school taffy apple fund, but she doesn't send them to 21st St.

"When the mayor announced his program, I thought it would be wonderful. I sent people to the Woodlawn Urban Progress Center until I found out they would deduct the money from their next welfare check. That means they would run out of food again next month."

Box cars of nutritious food packages are delivered monthly to a warehouse on the South Side. The food is free from the Agriculture Department, but it is not for Chicago. The Cook County Office of Economic Opportunity has been distributing the food since Thanksgiving to needy suburban families under a supplemental food plan rejected by the city.

The city's alternative plan, a pilot certificate program, started Feb. 2 on the South Side. It provides milk, cereal and baby formula (the county program provides about 15 food items) to pregnant and nursing mothers and infants up to age 1 (the county program goes up to age 6). In its first week of operation in the Kenwood and Midway district offices of Public Aid, 101 mothers applied and 93 were accepted.

The city estimated that 3,000 to 5,000 mothers in the area would qualify for the program, but the 5th Ward Citizens Committee calls the figures "grossly inadequate." It reports that there are 10,000 mothers and children on public aid in the area and many others not on public aid who would also be eligible.

On Dec. 30, Mayor Daley called on the Chicago Committee on Urban Opportunity to establish a permanent program to eliminate hunger. Since then, the city agency of the U.S. war on poverty has been knocking on doors to identify the hungry, but has launched no program to feed them. The names are turned over to the mayor's office.

CCUO received $325,000 in federal money last spring to administer Mayor Daley's emergency food program. A total of $137,000 was spent on the program, and city officials can't explain what happened to the rest of the money.

An ordinance to establish a department of nutritional needs is still in the miscellany subcommittee of the city Finance Committee, where it was referred last fall. The $5,000,000 proposal would create 50 sites where hungry people can get three hot meals a day, food to prepare at home and help with job, medical, psychological and educational problems.

ORDER FOR RECOGNITION OF SENATOR BELLMON OF OKLAHOMA TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Illinois (Mr. PERCY) tomorrow morning, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 20 minutes.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Oklahoma (Mr. BELLMON), there be a period for the transaction of routine business, as per the previous agreement.

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

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

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

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

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 631. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Friday, February 20, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1970:

THE JUDICIARY

Howard B. Turrentine, of California, to be a U.S. district judge for the southern district of California, vice Fred Kunzel, deceased.

OFFICE OF ECONOMIC OPPORTUNITY

Albert E. Abrahams, of Maryland, to be an Assistant Director of the Office of Economic Opportunity, vice Genevieve Blatt, resigned.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Vice Adm. John Marshall Lee, U.S. Navy, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Lt. Gen. John J. Davis.

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. Frank A. Bailey, [redacted], Arkansas Air National Guard.

Brig. Gen. Charles W. Sweeney, 011–16–8121FG, Massachusetts Air National Guard.

To be brigadier general

Col. James W. Carter, [redacted]FG, Tennessee Air National Guard.

Col. William H. Pendleton, [redacted]FG, California Air National Guard.

Col. Robert S. Peterson [redacted]FG, Minnesota Air National Guard.

Col. George H. Taylor [redacted]FG, Utah Air National Guard.

IN THE ARMY

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Aguilar, Donald, [redacted].
Ainslie, John H., [redacted].
Albright, Mark L., [redacted].
Albright, Paul M., [redacted].
Alexander, Buford C., [redacted].
Alexander, James M., [redacted].
Allred, Kenneth L., Jr., [redacted].
Anderson, Vernon L., [redacted].
Angelos, Daniel NMN., [redacted].
Angerman, William C., [redacted].
Anthony, David J., [redacted].
Antonelli, Albert E., [redacted].
Armstrong, Herbert B., [redacted].
Arnao, Charles L., [redacted].
Asher, David S., [redacted].
Aubrey, William J., [redacted].
Babes, Fred W., [redacted].
Bailey, David P., [redacted].
Baisch, Richard C., [redacted].
Baker, Wilson, Jr., [redacted].
Balkus, William G., [redacted].
Ballotti, John F., [redacted].
Barclay, Bernays T., [redacted].
Barnes, John J., Jr., [redacted].
Barnett, Robert W., [redacted].
Barnhill, John R., [redacted].
Barratt, Ronald D., [redacted].
Baskin, Thomas C., Jr., [redacted].
Bast, Albert J., III, [redacted].
Bates, Barry D., [redacted].
Beal, Richard A., [redacted].
Beauchamp, James W., [redacted].
Beccue, Boyd A., [redacted].
Becker, Charles T., [redacted].
Bedell, Robert J., [redacted].
Beck, Allen L., [redacted].
Beck, James R., [redacted].
Beck, Robert A., [redacted].
Bell, Theodore S., Jr., [redacted].
Berdy, Andrew R., [redacted].
Bergiel, Julius G., [redacted].
Bernier, Jon P., [redacted].
Berriman, Howard J., [redacted].
Best, Hilton J., [redacted].
Beto, Mark D., [redacted].
Beverly, James T., Jr., [redacted].
Bickel, Stephen P., [redacted].
Bickford, Stephen M., [redacted].
Bisdorf, Robert J., [redacted].
Bishop, George F., III [redacted].
Black, Brian W., [redacted].
Black, Donald E., [redacted].
Black, James C., Jr., [redacted].
Blackburn, John W., [redacted].
Blacklock, Ward T., Jr., [redacted].
Blanco, Joseph, [redacted].
Blount, David L., [redacted].
Blink, James A., [redacted].
Boehman, Robert J., [redacted].
Boesenberg, Charles M., [redacted].
Bohlen, Paul N., [redacted].
Booker, David L., [redacted].

Booth, Lance E., III, xxx-xx-xxxx.
Bouck, Grant S., xxx-xx-xxxx.
Boujai, Carlton J., xxx-xx-xxxx.
Bowers, William P., xxx-xx-xxxx.
Boyle, Richard C., xxx-xx-xxxx.
Boyle, Vincent A., xxx-xx-xxxx.
Boyers, William B., xxx-xx-xxxx.
Branham, Manley R., xxx-xx-xxxx.
Branyan, Frederick C., xxx-xx-xxxx.
Brennan, John E., xxx-xx-xxxx.
Bridges, Philip D., xxx-xx-xxxx.
Brookhart, William D., xxx-xx-xxxx.
Brower, Robert K., xxx-xx-xxxx.
Browning, Arnold J., xxx-xx-xxxx.
Bryant, Robert V., xxx-xx-xxxx.
Buettner, Steven L., xxx-xx-xxxx.
Buggs, Harrel T., xxx-xx-xxxx.
Bulisco, Gerald L., xxx-xx-xxxx.
Bullington, Terry W., xxx-xx-xxxx.
Bungard, Albert G., xxx-xx-xxxx.
Bunting, James W., xxx-xx-xxxx.
Burgess, James Lyon, xxx-xx-xxxx.
Burns, David M., xxx-xx-xxxx.
Burton, Joseph M., xxx-xx-xxxx.
Bushman, Gary R., xxx-xx-xxxx.
Cable, Monte B., xxx-xx-xxxx.
Calhoon, Christopher, xxx-xx-xxxx.
Callaghan, William P., xxx-xx-xxxx.
Callen, Jan E., xxx-xx-xxxx.
Calnan, Michael B., xxx-xx-xxxx.
Campbell, Gordon, xxx-xx-xxxx.
Candido, Robert, xxx-xx-xxxx.
Cantrell, Pierce E. Jr., xxx-xx-xxxx.
Carbonari, Frank J., xxx-xx-xxxx.
Carlson, David H., xxx-xx-xxxx.
Carr, John J., xxx-xx-xxxx.
Carrigan, Daniel P., xxx-xx-xxxx.
Carroll, Matthew R., xxx-xx-xxxx.
Carter, Jack W. Jr., xxx-xx-xxxx.
Casey, Frank R., xxx-xx-xxxx.
Casey, Michael J., xxx-xx-xxxx.
Cataldo, Gary R., xxx-xx-xxxx.
Cates, John W. H. III, xxx-xx-xxxx.
Cathcart, Clinton E., xxx-xx-xxxx.
Cavness, James R., xxx-xx-xxxx.
Chandler, Randall S., xxx-xx-xxxx.
Chaney, Lewis H., xxx-xx-xxxx.
Chinen, Glenn D., xxx-xx-xxxx.
Chittenden, George E., xxx-xx-xxxx.
Chitwood, Walter N. III, xxx-xx-xxxx.
Chisholm, Charles W. Jr., xxx-xx-xxxx.
Christmas, Byron K., xxx-xx-xxxx.
Church, Michael V., xxx-xx-xxxx.
Clark, Freeman C., xxx-xx-xxxx.
Clifford, Francis W., xxx-xx-xxxx.
Clippard, David N., xxx-xx-xxxx.
Clymer, Robert L., xxx-xx-xxxx.
Coalson, Lester B. Jr., xxx-xx-xxxx.
Cochran, Ronald R., xxx-xx-xxxx.
Cochrane, Dennis C., xxx-xx-xxxx.
Cochrane, Peter A., xxx-xx-xxxx.
Cofer, Charles R. Jr., xxx-xx-xxxx.
Cofoni, Paul M., xxx-xx-xxxx.
Coker, John W., xxx-xx-xxxx.
Coleman, Fred H. III, xxx-xx-xxxx.
Coleman, Wayne A., xxx-xx-xxxx.
Collins, Edward J., xxx-xx-xxxx.
Collins, Joseph J., xxx-xx-xxxx.
Connelly, Donald B., xxx-xx-xxxx.
Connelly, John J., xxx-xx-xxxx.
Conway, Harold J., xxx-xx-xxxx.
Cook, Jon C., xxx-xx-xxxx.
Cooper, William E., xxx-xx-xxxx.
Cordel, Peter J., xxx-xx-xxxx.
Cordo, Paul J., xxx-xx-xxxx.
Cornwell, Mark E., xxx-xx-xxxx.
Coulter, Herbert W., III, xxx-xx-xxxx.
Cox, David B., xxx-xx-xxxx.
Craven, Pat F., xxx-xx-xxxx.
Crighton, Gordon C., xxx-xx-xxxx.
Crites, John B., xxx-xx-xxxx.
Croft, Edward L., xxx-xx-xxxx.
Crow, Charles L., xxx-xx-xxxx.
Crupi, James A., xxx-xx-xxxx.
Cumberworth, Charles C., xxx-xx-xxxx.
Currey, Jason E., xxx-xx-xxxx.
Curry, David J., xxx-xx-xxxx.
Daigle, Michael R., xxx-xx-xxxx.
Dallas, Richard W., xxx-xx-xxxx.
Dandries, Michael I., xxx-xx-xxxx.
Daniels, Robert B., xxx-xx-xxxx.
Davenport, Clifford, Jr., xxx-xx-xxxx.
Davenport, Dewayne, xxx-xx-xxxx.
Davis, Eugene J., xxx-xx-xxxx.
Davis, Joseph L., Jr., xxx-xx-xxxx.
Davis, Oscar N., xxx-xx-xxxx.
Davis, Samuel, xxx-xx-xxxx.
Dayton, Keith W., xxx-xx-xxxx.
Decker, Lee N., xxx-xx-xxxx.
Demski, Stephen J., xxx-xx-xxxx.
Dierker, Charles J., xxx-xx-xxxx.
Dixon, William B., xxx-xx-xxxx.
Dolan, Michael J., xxx-xx-xxxx.
Dombrowski, William M., xxx-xx-xxxx.
Dore, William A., xxx-xx-xxxx.
Duggan, Joseph J., xxx-xx-xxxx.
Dunn, Richard E., xxx-xx-xxxx.
Durkin, Denis L., xxx-xx-xxxx.
Davis, Timothy J., xxx-xx-xxxx.
Depue, Ronald D., xxx-xx-xxxx.
Dexter, Stephen H., xxx-xx-xxxx.
Dials, Thomas A., xxx-xx-xxxx.
Diamond, Dennis T., xxx-xx-xxxx.
Dougherty, Joseph M., xxx-xx-xxxx.
Drewien, John R., xxx-xx-xxxx.
Duke, Michael I., xxx-xx-xxxx.
Durso, Anthony, xxx-xx-xxxx.
Duszkiewicz, Thomas J., xxx-xx-xxxx.
Eaglin, Paul B., xxx-xx-xxxx.
Echrich, John E., xxx-xx-xxxx.
Eckert, Gregory E., xxx-xx-xxxx.
Eder, Norman G. II, xxx-xx-xxxx.
Edgin, Howard N., xxx-xx-xxxx.
Edwards, Steven R., xxx-xx-xxxx.
Edwards, Thomas L., xxx-xx-xxxx.
Eimers, Charles W., xxx-xx-xxxx.
Eiting, James D., xxx-xx-xxxx.
Eley, James R., xxx-xx-xxxx.
Ellis, Glynn T., Jr., xxx-xx-xxxx.
Elton, Dale L., xxx-xx-xxxx.
Erale, Ronald D., xxx-xx-xxxx.
Etheredge, William M., xxx-xx-xxxx.
Evans, Barrett G., xxx-xx-xxxx.
Evans, Clyde L., xxx-xx-xxxx.
Evans, John W., Jr., xxx-xx-xxxx.
Evans, Richard G., xxx-xx-xxxx.
Fagan, Peter T., xxx-xx-xxxx.
Feiertag, John P., xxx-xx-xxxx.
Feneis, Ralph W., xxx-xx-xxxx.
Fenz, Roby K. W., xxx-xx-xxxx.
Finley, Thomas Franklin, III, xxx-xx-xxxx.
Firebaugh, John M., xxx-xx-xxxx.
Fisher, Edward A., Jr., xxx-xx-xxxx.
Fisher, Jack S., xxx-xx-xxxx.
Fitzgibbons, Mark F., xxx-xx-xxxx.
Fletcher, David D., xxx-xx-xxxx.
Florcruz, Paul T., xxx-xx-xxxx.
Fonda, David L., xxx-xx-xxxx.
Fonte, John P., xxx-xx-xxxx.
Ford, Michael J., xxx-xx-xxxx.
Forsman, Laurence M., xxx-xx-xxxx.
Fortino, Andres G., xxx-xx-xxxx.
Foust, George A., xxx-xx-xxxx.
Fowler, Robert J., xxx-xx-xxxx.
Franklin, William L., xxx-xx-xxxx.
Fritz, Douglas E., xxx-xx-xxxx.
Fuchs, Martin T., xxx-xx-xxxx.
Fulton, Richard T., xxx-xx-xxxx.
Fuson, Jack E., xxx-xx-xxxx.
Gagan, Patrick J., xxx-xx-xxxx.
Gailbreath, Robert D., xxx-xx-xxxx.
Gallagher, William S., xxx-xx-xxxx.
Gallavan, Christopher G., xxx-xx-xxxx.
Gannon, Patrick J., xxx-xx-xxxx.
Gdovin, David J., xxx-xx-xxxx.
Gentemann, Martin H., xxx-xx-xxxx.
Gentile, Michael E., Jr., xxx-xx-xxxx.
Georges, Michael H., xxx-xx-xxxx.
Gerber, Eric W., xxx-xx-xxxx.
Ghee, Ernest L., Jr., xxx-xx-xxxx.
Gignac, Gerald G., xxx-xx-xxxx.
Girlando, Joseph G., Jr., xxx-xx-xxxx.
Girouard, Theodor J. III, xxx-xx-xxxx.
Glauthier, Roy E., xxx-xx-xxxx.
Gleisberg, James W., xxx-xx-xxxx.
Glick, James R., xxx-xx-xxxx.
Goings, Milton C., xxx-xx-xxxx.
Gonzalez, Justo, Jr., xxx-xx-xxxx.
Gorman, George E., xxx-xx-xxxx.
Gorton, Charles E., xxx-xx-xxxx.
Grace, Robert C., xxx-xx-xxxx.
Graham, Michael A., xxxx.
Gray, John M., Jr., xxx-xx-xxxx.
Gray, Logan B., xxx-xx-xxxx.
Graydon, David D., xxx-xx-xxxx.
Grebinski, Michael, xxx-xx-xxxx.
Gregory, Mark T., xxx-xx-xxxx.
Grieco, Ralph, xxx-xx-xxxx.
Griggs, John W., Jr., xxx-xx-xxxx.
Gross, Richard D., xxx-xx-xxxx.
Grover, David A., xxx-xx-xxxx.
Habeger, Harold E., xxx-xx-xxxx.
Hagan, Michael T., xxx-xx-xxxx.
Hagge, Terry R., xxx-xx-xxxx.
Hamilton, John R., xxx-xx-xxxx.
Hansen, David W., xxx-xx-xxxx.
Hansen, Richard N., xxx-xx-xxxx.
Harder, Robert L., xxx-xx-xxxx.
Harris, Douglas M., xxx-xx-xxxx.
Harris, Orville D., xxx-xx-xxxx.
Harrison, David R., xxx-xx-xxxx.
Harrison, Neely S., xxx-xx-xxxx.
Hart, Robert W., xxx-xx-xxxx.
Hartman, Lawrence W., xxx-xx-xxxx.
Harvey, Thomas E., xxx-xx-xxxx.
Hatley, Vernon W., xxx-xx-xxxx.
Hawkins, Daniel L., Jr., xxx-xx-xxxx.
Hawkins, Michael R., xxx-xx-xxxx.
Hayes, Raymond L., III, xxx-xx-xxxx.
Hayes, Richard A., xxx-xx-xxxx.
Hayford, Richard M., Jr., xxx-xx-xxxx.
Hays, Harley M., xxx-xx-xxxx.
Hazelrigs, James A., II, xxx-xx-xxxx.
Hedick, James M., III, xxx-xx-xxxx.
Helena, Marshall L., xxx-xx-xxxx.
Heller, Sander H., xxx-xx-xxxx.
Helms, Richard O., xxx-xx-xxxx.
Henk, Daniel W., xxx-xx-xxxx.
Hennessey, Richard J., Jr., xxx-xx-xxxx.
Henry, Kenneth H., xxx-xx-xxxx.
Herald, Robert P., xxx-xx-xxxx.
Hicks, Walton R., xxx-xx-xxxx.
Hicks, William S., Jr., xxx-xx-xxxx.
Hill, Clinton S., xxx-xx-xxxx.
Hinrichs, Gary A., xxx-xx-xxxx.
Hobb, William E., Jr., xxx-xx-xxxx.
Hodges, John H., xxx-xx-xxxx.
Holden, William T., Jr., xxx-xx-xxxx.
Hollar, Paul J., xxx-xx-xxxx.
Holmes, Robert R., Jr., xxx-xx-xxxx.
Holtz, Richard L., xxx-xx-xxxx.
Hoos, Donald D., xxx-xx-xxxx.
Hope, James D., xxx-xx-xxxx.
Hotte, Bruce A., xxx-xx-xxxx.
Howard, David L., xxx-xx-xxxx.
Howe, Edward E., xxx-xx-xxxx.
Hoy, John Z., xxx-xx-xxxx.
Hubler, Norman F., xxx-xx-xxxx.
Hughes, Jimmie N., xxx-xx-xxxx.
Huie, Richard E., xxx-xx-xxxx.
Hunt, Philip T., xxx-xx-xxxx.
Huskey, Charles D., xxx-xx-xxxx.
Hutchison, Edward K., xxx-xx-xxxx.
Inzer, Ray L., Jr., xxx-xx-xxxx.
Iverson, Robert B., xxx-xx-xxxx.
Jackson, Raymond A., xxx-xx-xxxx.
Jacobson, Danny L., xxx-xx-xxxx.
James, John V., xxx-xx-xxxx.
Jannarone, Richard T., xxx-xx-xxxx.
Jarvis, David L., xxx-xx-xxxx.
Jenkins, Barry K., xxx-xx-xxxx.
Jenkins, Eric A., xxx-xx-xxxx.
Jenkins, Joseph E., III, xxx-xx-xxxx.
Johnson, Darryl F., xxx-xx-xxxx.
Johnson, Hal M., xxx-xx-xxxx.
Johnson, Harvester, xxx-xx-xxxx.
Johnson, Mitchell C., xxx-xx-xxxx.
Jones, Anthony R., xxx-xx-xxxx.
Jones, Charles W., xxx-xx-xxxx.
Jones, Elwood A., xxx-xx-xxxx.
Jones, James V., xxx-xx-xxxx.
Jones, Jerry W., xxx-xx-xxxx.
Jones, Ronald E., xxx-xx-xxxx.
Jones, Samuel M., Jr., xxx-xx-xxxx.
Kane, Thomas M., xxx-xx-xxxx.
Kaneta, Lance T., xxx-xx-xxxx.
Kasten, Leslie L., xxx-xx-xxxx.
Keats, Roger A., xxx-xx-xxxx.
Keeter, William H., Jr., xxx-xx-xxxx.
Kelley, John R., xxx-xx-xxxx.
Kelley, Timothy W., xxx-xx-xxxx.
Kelly, Daniel F., Jr., xxx-xx-xxxx.

Kelly, Michael D., xxx-xx-xxxx
Kennedy, Charles F., III, xxx-xx-xxxx
Ketchum, Timothy W., xxx-xx-xxxx
Keteltas, Stephen C., xxx-xx-xxxx
Keylon, Jerry A., xxx-xx-xxxx
Kinnan, Fred A., xxx-xx-xxxx
Kino, Jensen Y., xxx-xx-xxxx
King, Richard C., Jr., xxx-xx-xxxx
Kinzeler, Clarence W., II, xxx-xx-xxxx
Kirk, James P., xxx-xx-xxxx
Kissel, Robert G. Jr., xxx-xx-xxxx
Klevan, Dean C., Jr., xxx-xx-xxxx
Kloosterman, John, Jr., xxx-xx-xxxx
Knapik, Daniel S., xxx-xx-xxxx
Knight, Samuel B., III, xxx-xx-xxxx
Koenig, Dale L., xxx-xx-xxxx
Konopacki, John M., xxx-xx-xxxx
Konze, David A., xxx-xx-xxxx
Koob, Jeffrey C., xxx-xx-xxxx
Kottal, Douglas V., xxx-xx-xxxx
Kovacic, Robert W., xxx-xx-xxxx
Kowalski, Joseph E., xxx-xx-xxxx
Krause, Raymond W., xxx-xx-xxxx
Krupp, Terry H., xxx-xx-xxxx
Krzyzynski, Eugene M., Jr., xxx-xx-xxxx
Kuhl, David J., xxx-xx-xxxx
Kuykendall, Richard W., xxx-xx-xxxx
Labrecque, Norman W., xxx-xx-xxxx
Lachance, Thomas E., xxx-xx-xxxx
La Haye, Philip A., xxx-xx-xxxx
Lahnstein, Joseph S., xxx-xx-xxxx
Laiho, Douglas R., xxx-xx-xxxx
Lake, Douglas A., xxx-xx-xxxx
Lamar, Patrick, xxx-xx-xxxx
Lancaster, Francis R., Jr., xxx-xx-xxxx
Lane, Ernest E., III, xxx-xx-xxxx
Langer, Joe J., xxx-xx-xxxx
Langmesser, Thomas J., xxx-xx-xxxx
Larsen, Kenneth A., xxx-xx-xxxx
Larson, Ronald F., xxx-xx-xxxx
Lashley, William A., Jr., xxx-xx-xxxx
Lawson, Richard H., xxx-xx-xxxx
Lebo, Craig D., xxx-xx-xxxx
Leininger, John J. M., xxx-xx-xxxx
Leister, Michael E., xxx-xx-xxxx
Lentz, Jon L., xxx-xx-xxxx
Leptich, David J., xxx-xx-xxxx
Leu, Albert H., Jr., xxx-xx-xxxx
Levitan, Lance C., xxx-xx-xxxx
Lewis, Craig A., xxx-xx-xxxx
Lewis, Daniel W., xxx-xx-xxxx
Liebeck, Paul G., xxx-xx-xxxx
Lile, Jackson D., xxx-xx-xxxx
Lindjord, Jon D., xxx-xx-xxxx
Lindsay, William W., Jr., xxx-xx-xxxx
Lindsey, William W., Jr., xxx-xx-xxxx
Lingvai, James R., xxx-xx-xxxx
Little, James H., Jr., xxx-xx-xxxx
Lloyd, John H., Jr., xxx-xx-xxxx
Locklear, Charles E., xxx-xx-xxxx
Lockley, Frederick D., xxx-xx-xxxx
Loftin, William D., xxx-xx-xxxx
Long, Christopher F., xxx-xx-xxxx
Loop, Patrick G., xxx-xx-xxxx
Lopez, William F., xxx-xx-xxxx
Love, Thomas J., Jr., xxx-xx-xxxx
Lushbough, Ross E., xxx-xx-xxxx
Lyman, Phillip C., xxx-xx-xxxx
Mackey, Bruce D., xxx-xx-xxxx
Mackey, Jon D., xxx-xx-xxxx
Maertens, Kenneth R., xxx-xx-xxxx
Magelky, Bruce J., xxx-xx-xxxx
Magerl, Gregory A., xxx-xx-xxxx
Magowan, Willaim J., Jr., xxx-xx-xxxx
Manning, Frank V., xxx-xx-xxxx
Mannion, John J., xxx-xx-xxxx
Markham, Rodney S., xxx-xx-xxxx
Marshall, Richard E., xxx-xx-xxxx
Marsh, William D., xxx-xx-xxxx
Marshall, Johnny V., xxx-xx-xxxx
Masch, Donald G., xxx-xx-xxxx
Mason, David J., xxx-xx-xxxx
Mason, Michael L., xxx-xx-xxxx
Mastrorocco, Michael A., xxx-xx-xxxx
Mathias, John S., xxx-xx-xxxx
Matthews, Kenneth M., xxx-xx-xxxx
Maynard, Wayne Kent, xxx-xx-xxxx
McCain, Bruce C., xxx-xx-xxxx
McCann, Michael P., xxx-xx-xxxx
McCarty, Edward C., xxx-xx-xxxx
McAskill, John K., Jr., xxx-xx-xxxx
McClary, James F., xxx-xx-xxxx
McCullough, Bobby R., xxx-xx-xxxx
McDade, Lawrence G., xxx-xx-xxxx
McDermott, Robert M., xxx-xx-xxxx
McGee, Joseph P., Jr., xxx-xx-xxxx
McGilvray, David H., xxx-xx-xxxx
McGinn, Gregory, R., xxx-xx-xxxx
McGrath, Robert E., xxx-xx-xxxx
McGrew, William A., xxx-xx-xxxx
McIlhenny, John K., Jr., xxx-xx-xxxx
McIllwain, James P., xxx-xx-xxxx
McKenzie, Cecil L., Jr., xxx-xx-xxxx
McKitrick, Jeffrey, xxx-xx-xxxx
McLinn, John G., Jr., xxx-xx-xxxx
McMillan, Howard W., xxx-xx-xxxx
McNeil, James A., xxx-xx-xxxx
McNeill, Daniel H., Jr., xxx-xx-xxxx
McWhorter, David R., xxx-xx-xxxx
Mears, John M., xxx-xx-xxxx
Megahey, Michael E., xxx-xx-xxxx
Mehaffey, Michael K., xxx-xx-xxxx
Mengle, David L., xxx-xx-xxxx
Meservy, Michael P., xxx-xx-xxxx
Midgete, Charles O., xxx-xx-xxxx
Miller, Archibald S., III, xxx-xx-xxxx
Miller, Joseph E., xxx-xx-xxxx
Miller, Roger E., xxx-xx-xxxx
Miller, Roger L., xxx-xx-xxxx
Miller, Ronald J., xxx-xx-xxxx
Mitchell, George K., Jr., xxx-xx-xxxx
Modica, John P., xxx-xx-xxxx
Monahan, Richard W., xxx-xx-xxxx
Monk, Marvin E., III, xxx-xx-xxxx
Montgomery, Wesley R., xxx-xx-xxxx
Moore, James B., xxx-xx-xxxx
Moore, Terry L., xxx-xx-xxxx
Moorman, Jeffrey W., xxx-xx-xxxx
Moose, Shaun P., xxx-xx-xxxx
Moreno, James A., xxx-xx-xxxx
Morgan, Gary D., xxx-xx-xxxx
Morrill, David L., xxx-xx-xxxx
Morrow, Furman R., Jr., xxx-xx-xxxx
Mudd, Charles L., xxx-xx-xxxx
Mueller, Charles V., xxx-xx-xxxx
Mohl, Sladen J., xxx-xx-xxxx
Muirhead, Donald B., xxx-xx-xxxx
Munch, Paul G., xxx-xx-xxxx
Muzzy, Bruce A., xxx-xx-xxxx
Naehr, Lawrence S., xxx-xx-xxxx
Nalley, Donald M., xxx-xx-xxxx
Napper, Steven E., xxx-xx-xxxx
Narwold, James D., xxx-xx-xxxx
Nash, William D., xxx-xx-xxxx
Nastawa, Richard C., xxx-xx-xxxx
Nauck, William T., xxx-xx-xxxx
Newell, James W., Jr., xxx-xx-xxxx
Nicholaides, Gregory P., xxx-xx-xxxx
Nicols, Joseph C., Jr., xxx-xx-xxxx
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The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

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