PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

399. By the SPEAKER: Petition of the board of supervisors, county of Los Angeles, Los Angeles, Calif., relative to the threat to individual freedom of thought and speech which is posed by title II of the Internal Security Act of 1950; to the Committee on Internal Security.

400. Also, petition of Henry Stoner, York, Pa., relative to the use of legislative power; to the Committee on the Judiciary.

401. Also, petition of John Meredith Tayler, Chevy Chase, Md., relative to redress of grievances; to the Committee on the Judiciary.

402. By Mr. BRINKLEY: Petition of Mr. Dan Dixon, Mr. Richard Dennard, Mr. Frank Billings, Mr. E. W. Barber, Mr. Mike Turner, Mr. Don P. Asbell, Mr. C. B. Bailey, and Mr. Lamar E. Brooks, Gordon, Ga., et al., for legislation which will restore freedom of choice in the public school systems; to the Committee on Education and Labor.

SENATE—*Monday, February 23, 1970*

The Senate met at 12 o'clock meridian 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:

Washington's prayer for the Nation, which was written at Newburgh, June 8, 1783, and sent to the Governors of all the States:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection, that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things, we can never hope to be a happy nation. Grant our supplication, we beseech Thee, 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 Friday, February 20, 1970, be dispensed with.

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

WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. In accordance with the order of the Senate of January 24, 1901, and pursuant to its order of February 23, 1970, designating the distinguished Senator from North Dakota (Mr. BURDICK) to read Washington's Farewell Address, the Senator will now proceed to read it.

Mr. BURDICK advanced to the desk, and read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to

bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you s^ highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appelation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north,* in an unrestrained intercourse with the *south,* protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south,* in the same intercourse, benefiting by the same agency of the *north,* sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north,* it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east,* in a like intercourse with the *west,* already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation.* Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachment, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic and western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to

establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the

debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas; is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degrees a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils, Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

READING OF THE FAREWELL ADDRESS—COMMENDATION TO SENATOR BURDICK

Mr. MANSFIELD. Mr. President, first I wish to commend the distinguished Senator from North Dakota for the inspiring reading of Washington's Farewell Address which he just made, and for the quality of his delivery, and to express again the thankfulness of so many of us to our first President for the wise words of caution and counsel he gave in 1793. So much of that message is still applicable today. It is a message which came from the heart and which means a great deal in the historical annals of our Nation. I am delighted that the Senate, on each Washington's Birthday, takes unto itself the responsibility of recalling the inspiration contained therein.

The words of George Washington will live forever. His advice and counsel will be a steady admonition to all of us, and I am happy that this custom is now so bound up in precedent that we may be assured it will continue in the years, the decades, and the centuries ahead.

Again, my congratulations to the distinguished Senator from North Dakota (Mr. BURDICK) upon delivering the address in an unusually effective manner.

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

Mr. MANSFIELD. I am delighted to yield.

Mr. HRUSKA. Mr. President, I join the majority leader in commending and lauding the Senator from North Dakota upon his splendid reading of Washington's Farewell Address. It is a custom well taken, and I believe we are wise and it is very appropriate to follow this custom. Certainly, the commonsense maxims asserted in the address when given in 1793 are highly applicable in these days. The annual custom of reading it here, as we have done for all these decades, is one that I hope will be continued for a long time to come.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). What is the will of the Senate?

Mr. RANDOLPH. Mr. President, I join in the commendation expressed by the distinguished majority leader and by our able colleague from Nebraska (Mr. HRUSKA). Those of us who were present in the Chamber have listened attentively once again to the counsel and the admonition of George Washington, as recorded in his Farewell Address to the people of his and our beloved country.

I recall now, as I do often, particularly this expression of our first President, in his Farewell Address of September 17, 1796.

> Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections.

He foresaw then what was to happen: That we were to be a nation where there would be literally millions of persons who would come here by choice, who would join the other millions who were to be born in this Republic; and I think the virtue and the vision exemplified and emphasized by George Washington ought to be remembered and to be followed in greater degree than we have followed them in the past.

I, too, think these approximately 40 minutes once a year are minutes well spent. It has been helpful to have again listened to the reading of the Farewell Address, this year by our able colleague, the Senator from North Dakota (Mr. BURDICK).

The Library of Congress, through the Legislative Reference Service, has prepared pertinent material on the Farewell Address. I ask unanimous consent that it be included at this point in my remarks.

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

> Washington's Farewell Address was not an address in the sense in which we customarily use the term; that is, it was never publicly read by Washington before an audience, but was first published in the Philadelphia *Daily American Advertiser* of September 19, 1796.
>
> Washington's main purpose in making public his Farewell Address was to eliminate his name from the third presidential election. In 1792 he had hoped to avoid a second term and had asked Madison to prepare a draft of a valedictory address but friends had prevailed upon him to accept another term.
>
> The first part of the Farewell Address gives Washington's reasons for retiring from office; the second part, perhaps the most important, presents his thoughts on the desirability of a strong union and the principles upon which domestic tranquility could be maintained and foreign respect induced; the third part justified his policy of neutrality toward France and England and connected that justification with the other principles of the address, which were based on his personal experiences in leading a revolutionary army and directing an untried republican government.
>
> There has been controversy over the authorship of the Farewell Address, particularly to the extent to which Hamilton and Madison participated in its drafting. It is not possible here to recount in detail the arguments and counter-arguments on the subject. Victor Hugo Paltsits, who has examined carefully the related documents, has this to

say in his book, *Washington's Farewell Address:* "* * * He [Washington] drew upon each source and altered or introduced words at will, even words that were in no anterior draft. In the final analysis he was his own editor, and the Farewell Address, in the final form for publication, was all in his own handwriting. It was then in content and form what he had chosen to make it by processes of adoption and adaptation in fulfillment of what he desired. By this procedure every idea became his own without equivocation."

The reading of the Farewell Address on Washington's Birthday, or, if that falls on Sunday, on the following day, has become an established custom in both Houses of Congress. It was read in the Senate as early as 1888, and has been read annually since 1896. In the House of Representatives it was read in 1899, in most of the years from 1909 to 1928, and annually since 1934. Thus each year we recall Washington's sincere and unselfish counsel to his own and future generations.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR UNDER RULE VIII

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

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements by Senators during the period for the transaction of routine morning business be limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in order that our colleagues may know that the reading of the Farewell Address has been concluded, I suggest a brief quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, 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.

THE MAN WHO WOULD NOT GROW OLD

Mr. AIKEN. Mr. President, some men get old at an early age.

Some grow a year older with each birthday.

And some never get old no matter how many years they have counted.

This afternoon a funeral ceremony is being held in Springfield, Vt., for a man who would not grow old.

I knew Ralph Flanders long before he came to the U.S. Senate, and I have followed his course ever since he voluntarily left this body.

But during all these years I never knew him to yearn for "the good old days."

His heart and mind were always fixed on the future—the development of something better.

Ralph Flanders was a man of ideas.

Some of them he patented.

Most of them he offered free.

Some of his ideas fruited successfully.

Others seemed to miss their target.

His plan for raising the ovibos or musk ox in Vermont which was worked out with Dr. Vilhjalmur Stefansson did not work so well for Vermont—but it did turn out remarkably well for Alaska under the guidance of Dr. John Teal.

However, Ralph Flanders did see billboards nearly eradicated from the roadsides of Vermont years before the Interstate Highway System was started.

He did see Goddard College, of which he was one of the first trustees, become one of the better known small colleges of the Nation.

He knew success and he knew disappointment—and he knew tragedy all too well.

But he never turned his face backward.

The past was only prolog to him.

During the depression years of the 1930's and thereafter, he was vitally concerned with the welfare of our country and its people.

In 1938 he prepared what he called a "Program for America."

While directed primarily at the Republican Party, this program was equally suited to other parties as well.

From reading it, one can see that Ralph Flanders was well ahead of the times, and I ask unanimous consent to have this program printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. AIKEN. His passing will of course be a great loss to his wife Helen and other members of his family, but we must all agree that losing Ralph Flanders, a man who would not grow old, is a loss to the Nation.

EXHIBIT 1

A PROGRAM FOR AMERICA

What we seek is not a program for the Republican Party alone. A course of action which strengthens the Party at the expense of the nation is unthinkable.

We are not even interested in a program for the nation, considering the nation as something apart from its citizens. We have seen the effects in European countries of sacrificing the individual citizens to the power and alleged glory of the nation. No individual and no party in America would be attracted by such a prospect.

It is possible to state the American ideal for American citizens in terms that will commend themselves to sensible people of all ages and conditions.

For youth, we seek preparation for life's work and the broadest range of opportunity that it is possible to provide. Nature does not provide equality of gifts and abilities. No social organization has as yet successfully provided equality of income or equality of ownership, unless it be on the basis of a very low standard of living. What we can hold before ourselves as the ideal for youth is the nearest possible approach to equality of opportunity. This is a right possessed by the individual in a democracy. It is more than a right. It is necessity for the perpetuation of democracy, if democracy is to be perpetuated and if society is to move on to higher service for the individuals who compose it. We cannot afford to allow any talents to go unused and undeveloped. We cannot permit any abilities to lie undiscovered. We must prepare for an era of great expansion of education, not in its mere bulk so much as in the development of new kinds of education to fit more kinds of people to all kinds of situations.

We are moreover faced with an emergency which requires that we act now in this matter. With the present varieties and distribution of education, the great majority of students do not carry their schooling beyond the grades. Of the remainder, the majority get through our present high school courses with difficulty. In the meantime, the age at which the boy or girl may go to work has been raised to sixteen years and present tendencies will bring that minimum age before long to eighteen years or even older. These empty, unoccupied years at the critical period in the life of the boy or girl constitute a serious menace, not only to the character development and future of the individual, but as well to the state and nation of which he or she will become an effective ruling element under our form of government. This educational problem must become a matter of first importance to us.

As the other extreme of the life-span, we have entered a new period of responsibility for old age. It has become a part of our social purpose to see to it that those who have worked faithfully during their years of strength shall, during their years of retirement, be assured of adequate food, clothing and shelter. This minimum responsibility society is sharing as an obligation with the individual. In so doing we will relieve the middle years of unjustifiable worry for the future, leaving them free to be devoted to the productive occupations by which the programs for youth and old age will be sustained.

We have made real progress in these last few years in defining and accepting our social obligations to youth and age. We have failed completely and miserably in developing the policies and institutions, and even the proper mental attitudes required for such a direction of the productive years of men and women as will make it possible to support these new obligations for youth and age. It is in the reviving and redirecting of the effort of the working years that the Republican Party finds its duty and its opportunity.

Agriculture presents a special problem. While it is essentially a business rather than a trade or occupation, yet it is a business which is under the control of the seasons, the weather and worldwide conditions to an extent not found in any other business whatsoever. No manufacturer or merchant has as little control over his business as does the farmer.

At the same time the agricultural population has a special claim on the attention of the nation. The dwellers in the great cities do not add greatly to the population of the country; and children in cities are handicapped in their bodily, mental, and spiritual development as compared with those born and raised in the country. Our new attention to children and youth will diminish those handicaps, but it must always remain true that the welfare of the nation will be best served by maintaining the flow of healthy,

intelligent boys and girls of good character which in years past has streamed from the country regions to the small and great cities of the nation. As the principal source of new blood for maintaining our energy and productiveness, whether in the city or the country, on the farm, in the office, factory, or halls of government, agriculture has a strong claim on the country as a whole.

There are things now being done for agriculture or camouflaged subsidies—outright distribution of funds from the public treasury—should be discontinued. Soil conservation is an extremely important matter but should be approached from the standpoint of attacking the worst situations first wherever they may be found, rather than using the policy as a thinly disguised mechanism for a general subsidy.

The farmer should not be bribed by subsidies or any other means into giving up his independence. The mass control of mass production, whether in industry or agriculture, leads to mass mistakes for which no government can afford to take responsibility and for which no political action can compensate without damage and distress. Both the giving up of his independence and the acceptance of disguised subsidies from the public treasury tend to destroy in the agricultural population the springs of character which are the prime reliance of the nation for the citizenship of the future.

The following things can and should be done for agriculture:

(1) Soil conservation policies should be developed and put into effect which will be applied to the worst conditions at the point where a given expenditure can make the greatest saving of our soil resources.

(2) The markets of the world must be kept open to the farmer, both by the avoidance of such artificial price policies as have wellnigh destroyed the cotton farmers' markets and by the careful negotiation of specific treaties which will expand his opportunities in the foreign field.

(3) In addition, the farmer is entitled to the same type of protection which the manufacturer and industrial worker receive through the tariff. So long as tariff protection remains for industry and those dependent on it with its resulting higher prices to consumers whether agricultural or industrial, so long will it be proper to give corresponding protection to those markets. This will best be done by some form of payment in lieu of duty to that part of the agricultural output which goes to the domestic market, protecting the farmer at home while he is left free to compete in price and volume in the markets of the world. These payments in lieu of duty should not be raised from processing taxes or any other special impost. Being for the good of the nation as a whole, the payments should be appropriated from the general funds.

(4) A wise policy of loans on crop surpluses should be developed. The loans should provide safe margins for price fluctuations, be limited in total at any one time to one-half the normal yearly domestic consumption for any one crop, and should be available only to individual growers and to bona fide cooperatives of bona fide growers. In any case, safe storage must be provided as a prerequisite to loans. Here, as in the case of crop control, wholesale mass operations are dangerous and must be avoided.

The first requirement for the welfare of the industrial worker is not being met. His first requirement is that he shall have remunerative work to do. As has been said. "The govment has done everything for the worker except give him a job." We believe that it is stupidity and not necessity which has slowed down the business machine to the point where jobs for the workers have become so scarce and difficult to find. We believe furthermore that in the inevitable minor fluctuations of business it will be possible to protect the worker's interest, not only by unemployment benefits, but as well by the provision of useful work under public auspices on a large scale, during the periods when temporary maladjustments diminish the amount of private work available. If we manage our economy so that its possibilities are realized, the worker can be freed of worry as to the opportunities for his children, and freed of fear as to lack of necessities in his old age. He can likewise be guarded against that most tragic of all tragedies—the plight of the man able and willing to work who can find no useful work to do.

The key to our whole program is to be found in such a control and such a freedom for agriculture and business as will make the middle years a period of great productivity. Of agriculture we have already spoken. As for business, the new governmental attitude toward it must be that of fostering its productivity, freeing it from hurtful restraints and guarding it only from speculative excesses and unfair competition. Small business in particular has suffered from these harmful influences, and the political experiments of the past few years have actually put a premium on bigness. This trend must be reversed.

With the harmful elements removed or controlled and with the government stepping in to furnish employment and purchasing power at the low periods, we may look for such an expansion of enterprise, risk, and productivity as will support the large social undertakings we have been describing. Enterprise, risk and productivity are the essence of the activities of the middle years. To these ends the training of youth will be directed. As a reward for their exercise in past years, the security of old age is assured.

The greatest change which we find necessary in the policies of the last few years lies in so altering the relationship between government and business as once more to make it possible for business to serve the citizens of the country, and to an extent never before possible. It is important for the farmer that industry and its workers shall furnish lucrative markets for his products. It is important for the farmer that industry shall open up opportunities for such of his children as are not needed on the farm, particularly in the undeveloped regions of the South and West. It is important for the worker that opportunities for employment shall be abundant and lucrative. It is the first essential to a rise in his standard of living that more goods and services may be provided him in spite of shorter hours. To provide more goods and services with shorter hours requires more and better organization, more and better productive machinery, and more industrial investment. Without these the shorter hours and higher wages can result in higher prices for fewer things to be bought with the wage earner's salary. The course we have been following is a dead end. It leads to nowhere. We must retrace our steps if we are to continue our progress toward a higher standard of living in this country.

From the standpoint of the support of the enlarged governmental activities it is necessary that business be active in order that unemployment may be at a minimum and agricultural markets at a maximum. It is necessary that it be productive if the labors of farmer and worker are to be rewarded with more efficient goods, instead of less goods at higher prices. It is necessary that it be highly profitable if it is to sustain the volume of taxation required by the new governmental services for youth, maturity, and old age.

To the correction of the shamefully mismanaged relationships between government and business the Republican Party pledges its constructive efforts, to the end that our present evils may be remedied and our social aims achieved.

The ends which we propose cannot be reached immediately. They can be approached, step by step, by action continued year in and year out. At present we are moving away from them instead of toward them. We must retrace our course. If we are steady in purpose and skillful in achievement, we can do our part in enabling the citizens of this country to attain the ideals which the nation's resources and their own abilities and character have marked out as their rightful destiny.

RALPH E. FLANDERS.

SPRINGFIELD, VT.

WELCOME HOME CHET—MULTI-MILLION-DOLLAR RESORT COMPLEX IN MONTANA

Mr. MANSFIELD. Mr. President, the Huntley-Brinkley newscast has been one of the most popular and favorite daily newscasts for many years. Chet Huntley and David Brinkley have done a remarkable job of analyzing the news and commenting on the issues of the day. Within a very few months this fine association will come to an end. While I am not happy that the Chet and David duo is ending, I am delighted and pleased to announce that Chet Huntley will be coming back home to Montana.

Chet Huntley has become the chairman of the board of Big Sky of Montana, Inc., which has just announced a multimillion dollar, year-round resort complex in Gallatin and Madison Counties. This is the kind of resort development that the Treasure State has needed for a number of years. Montana has an abundance of recreation resources but, until now, they have been neglected or underdeveloped. Quite frankly, I see the Big Sky Country as the major resort area in the continental United States within a very few years. Chet Huntley and the Chrysler Realty Corp. are to be complimented for taking the initiative in establishing this complex. The Montana congressional delegation and the people of Montana welcome the Huntleys back to Montana, the land from which he came.

Mr. President, I ask unanimous consent to have a comment entitled "Welcome Home Chet," from the Helena Independent Record of February 18, 1970, and a news story from the February 17, 1970, issues of the Great Falls Tribune and the Gallatin County Tribune printed at the conclusion of my remarks. These stories outline the plans for this recreation complex.

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

[From the Helena (Mont.) Independent Record, Feb. 18, 1970]

WELCOME HOME, CHET!

The plans Chet Huntley unveiled here Monday for a $19.5 million year-round recreational development in the Gallatin are totally encouraging.

"Big Sky of Montana," which the Montana-born network newscaster will call the resort, will surely open the door to the type of industry for which Montana is best suited but in which it has lagged primarily because of a lack of capital and lack of imagination.

Now Huntley has provided the imagina-

tion and lined up the capital—Chrysler Realty Corp., which is backing the project.

Combined with his imagination is Huntley's love for his native state and his interest in preserving its beauty. He is convinced that Montana can have economic development without scarring its surface with mines or the equally ugly sprawl of "hamburger stands and tarpaper shacks."

Montana has suffered from the lack of one or more truly great resorts such as Sun Valley or those in the Colorado Rocket, which attract recreationists on a year-round basis as well as providing accommodations, meeting rooms and outdoor fun for big conventions.

Far from competing with the existing facilities, Huntley's development should enhance their business and encourage additional recreation-oriented developments because of the traffic it will generate with its excellence and the famous name behind it.

This has been Colorado's experience, in both winter and summer recreation. Traffic generates traffic, and reputation and prestige build up, not necessarily for a single resort but for a whole state.

This is why we're confident that the complex to be built by Huntley and Chrysler is the beginning of a new era in Montana's economic development—an economy based on enjoying Montana's environment rather than destroying it.

Let us hope—no, let us insist—that the other developers who will follow Huntley have the same love and respect for our land as he does.

Welcome home, Chet!

[From the Great Falls (Mont.) Tribune, Feb. 17, 1970]

CHET HUNTLEY UNVEILS PLANS FOR 'BIG SKY OF MONTANA'

(By J. D. Holmes)

HELENA.—Gov. Forrest H. Anderson and native-son newscaster Chet Huntley unveiled plans Monday for the development of a $19.5 million year-around resort complex to be called Big Sky of Montana.

The 11,000-acre complex in Gallatin and Madison counties will feature a summer recreation village to open in the spring of 1972 and a winter resort ski village and convention center scheduled to open in the fall of 1972.

In formally announcing the project, the governor said the area involved—Spanish Peaks, Lone Mountain and West Fork of the Gallatin River—may some day "be more famous than Sun Valley and Jackson Hole and some of the other recreation areas in the West."

Huntley agreed, saying surveys show Big Sky has more and better snow and longer trails than such places as Aspen, Sun Valley, Vail and Squaw Valley.

Edwin N. Homer, president of Chrysler Realty Corp., which is backing the new resort complex, credited Huntley with envisioning the multimillion-dollar project.

Huntley said he sees the complex as a method of attracting visitors from throughout the world to Montana "to see its incredible scenery and meet its equally incredible people."

He said construction, with a crew of about 800, will begin as soon as snow in the area goes off. Initial work will involve roads, an 18-hole golf course, a small lake, a half dozen condominium apartments at the guest-ranch location and utilities.

The summer area will be developed on the eastern edge of the property. Another residential area for small horse ranches will surround the lake that will be created. Nearby is a presently existing dude ranch, to be enlarged.

The western boundary of the property is dominated by the 11,166-foot Lone Mountain from which runs a valley that is 2-3 miles wide and 9 miles long.

The winter ski village will be built at the base of the mountain at an elevation of 7,500 feet. The summer recreation village will be built four miles down the valley in a natural basin.

From the summer village site it is another two miles to the Gallatin River and Highway 191.

In introducing Huntley to the televised news conference in the governor's reception room, Homer said that Huntley is chairman of the new board of Big Sky of Montana, Inc., which held its first meeting the night before.

Both Homer and Huntley said they will take every step necessary to guard against either pollution or destroying the beauty of the area.

Huntley, in reply to a newsman's question, said the liquid waste from two sewage disposal plants will be clean and will be used to irrigate the golf course. Solid waste will be used over a period of years for fill and erosion prevention.

He said the resort will have lodging for 500 guests when it opens although it will be able, through four chair lifts, to handle 4,000-5,000 skiers from the start.

A relatively flat area has been set aside for development of an air strip, Huntley said. Plans are being developed for a 300-unit trailer park.

Development of Big Sky will occur over the next three years, with the summer work starting this spring. There will, however, also be some trail locations made and removal of trees for the ski runs.

Construction of a hard-surfaced highway will start this spring with major improvements to the existing county road leading from Highway 191 to the existing dude ranch.

The highway will continue another seven miles along logging trails and up the valley to the winter village site.

Road-building costs of $1.1 million will be financed by a grant from the Office of Economic Development Administration bearing 50 percent, Madison and Gallatin counties 25 per cent and Big Sky bearing 25 per cent of the overall costs.

Kingsbury Pitcher served as the ski consultant and planner. Huntley also said negotiations are in progress with Jean Claude Killy, who skied the Big Sky slopes and "was highly enthusiastic."

Huntley was born in the Northern Pacific Railway depot's living quarters at Cardwell about 58 years ago.

His father, a railroad telegrapher, soon moved the family to Saco to take up a homestead. Later, Pat Huntley returned to railroading and the family lived at Willow Creek, Logan, Big Timber, Norris, Whitehall and Three Forks.

Huntley was graduated from Whitehall High School in 1929, then went three years to Montana State University and was graduated from the University of Washington.

Since the 1956 political conventions, he and David Brinkley have been the nation's most familiar evening newscasting team.

[From the Gallatin County (Mont.) Tribune Feb. 17, 1970]

LONE MOUNTAIN LOOMS OVER SITE OF PROPOSED BIG SKY COMPLEX

(By Donna Brown)

The Big Sky of Montana—an undertaking of tremendous importance to Montana and the Gallatin area—has been confirmed by Chrysler Realty Corporation and Chet Huntley from the Governor's office yesterday.

At this time existing plans for the $19.5 million year-round recreation orientated resort were divulged to the press and a number of interested dignitaries.

How do planners see the proposed Big Sky of Montana in the not too distant future?

Envision a picturesque village of 3,000 people nestled in a large, green valley basin complete with well-maintained golf greens, an air strip, a trap and skeet shooting facility, indoor swimming pools, tennis courts, equestrian showgrounds, and a dude ranch nearby.

Follow a series of gently rising slopes from the valley floor to the northeastern base of the spectacular Lone Mountain.

Move your vision along the forested terrain at the base of Lone Mountain, until another village can be seen amidst the gently sloping meadows of a large scenic valley, one that boasts residences, hotels, a semi-enclosed pedestrian shopping street, and a huge central parking facility—all looking as though they were attached to the mountains by the five ski lifts rising towards the peaks.

Glance at the valley, notice that it runs along the base of the Spanish Peaks Primitive Area, is dominated to the southwest by Lone Mountain and includes Wilson Peak to the northeast—making the area one of scenic delight.

Is the picture painted an improbable dream?

Not at all, to date much of the necessary land has been acquired and a number of steps have been taken to bring into being the Big Sky of Montana, as proposed by a real estate study, conducted by Mandeco Corporation, Los Angeles, private consultants for Chrysler Corp.

In addition, Chet Huntley, in the Monday newscast from the Governor's office said that, "As soon as the snow melts and we can get in there with machinery we plan to start work—road building, the building of a golf course, creation of a small lake, building of a half-dozen or so condominiums at the middle ranch, or Sam Smedings guest ranch and then a tremendous amount of engineering and surveying and installation of utilities will have to be done this coming summer.

$19 MILLION RESORT

Chrysler Realty Corporation is developing the $19 million recreational area which, over a period of years and with sufficient development of land, will provide ski facilities equal to any of the big areas such as Sun Valley, Vail and Aspen.

The real estate study was made with the object of creating an environment for selling or leasing real estate. This includes residential, commercial, lodging and recreational facilities.

The proposed Big Sky of Montana will extend from the base of 11,166 foot Lone Mountain down through a large valley to U.S. Highway 191.

The lower valley will be developed into a high quality summer resort while at the base of Lone Mountain a large meadow is an ideal location for a ski village.

YEAR-ROUND RESORT

In the summertime the resort will offer its proximity to Yellowstone National Park; streams, rivers and lakes for fishing, swimming, boating and water skiing; bird and small game hunting; and camping, hiking, and sight seeing directly north in the Spanish Peaks Primitive Area.

In the wintertime, Lone Mountain and Andesite Peak offer a variety of slopes for every kind of skier with fine, dry powder snow.

EASILY ACCESSIBLE

Big Sky of Montana can be easily reached by persons from the large cities on the west coast and in the midwest.

Bozeman which is located 46 miles north of Big Sky has the long air strips needed to handle any jets in service today.

At present, any person from these larger cities can be at Big Sky within six hours. The planners believe that increased Big Sky traffic will be relieved by nonstop flights to Bozeman.

To help bring people to the development, an airport is planned in the lower village. An area has been set aside to the southwest of the summer area for development of a small craft air strip. It will be continually improved to meet the demand.

Transportation service does not end here, however, for taxis, busses and limousines will operate within the complex as well as to jet connections at Bozeman.

ORDER OF WORK

The real estate study calls for concentrated effort on the summer area while development in the ski village will be limited to clearing trails.

Due to the high investment costs of a year-round resort complex, a real estate program with 300 to 400 unit sales per year will be undertaken to carry these costs while the winter area is being developed.

By the second year, the majority of the summer facilities will be in place. This will allow full scale development of the winter area to take place in the second and third years of construction.

The planners believe the remaining development of the complex would be phased over the balance of the 10 year period to meet the demand anticipated.

ECONOMICALLY SOUND

The real estate study indicates that Big Sky has the potential of becoming an outstanding resort center, particularly with quality development, efficient management, major advertising and promotional programs.

It is expected by the spring of 1972 the Big Sky complex will be opened with about 500 guests anticipated and be able to increase this number at an accelerated pace in the next two or three years.

The market will be the determining factor in growth, but Big Sky has plenty of water and acreage to work with, Huntley said.

He added that the 500 guests obviously do not include the 4,000–5,000 skiers expected per weekend, saying that "in five years Big Sky should be built up to handle 8,000 to 9,000 people."

Contributing to its success are the current trends in growing leisure time, recreational activities and income levels.

Pluses for the summer recreation aspects of the development are Yellowstone National Park, the Grand Tetons within a two hour drive, the Spanish Peaks, spectacular scenery, the Gallatin and Madison Rivers for fishing, and numerous lakes for water sports.

Although the primary winter activity will be skiing, indoor swimming and ice skating will be offered.

The area has one of the heaviest snowfall areas in the country with over 120 days of snow cover. This guarantees an early opening and late closing for this activity. Thanksgiving, Christmas and Easter are important vacations that will provide a large percentage of the season's profits. Many ski resorts can't operate over these peak periods because of uncertain snow conditions, but Big Sky should not have this problem.

OTHER ASPECTS

Big Sky of Montana will have convention facilities that "will be somewhat constrained" said Huntley, "but will follow the natural course of expansion.

"We hope that we will be able to accommodate an 1100 or 1200 delegate convention—looking down the road about five years hence.

"We would try to schedule the conventions at two main times of the year—in the spring and in the fall."

When asked if he had any idea on the number of employees needed by the Big Sky complex, Huntley said, "Yes, and it scares me to death. On opening day we are going to have about 300. The build-up of employees will occur again on the growth of the accommodations. I have been told by some of the experts that the rate grows very rapidly. And, in the construction period, by the way, about 800 people will be needed."

In regard to the land exchange program going on in the West Fork area Huntley said, "That exchange I assure you is not being undertaken to accommodate Big Sky. We are curious as to who our next door neighbors are going to be, whether its the Forest Service or the Northern Pacific railroad.

"We are confident we can pursue the good neighbor policy no matter which one it turns out to be."

Huntley went on to say there was one section of land—section 30—that is very essential to the Big Sky complex, "It's only value is that its location is highly strategic because it sits at the base of three marvelous ski slopes."

SEWAGE SYSTEM

"At great expense to Big Sky we are going to install two sewage plants. The affluent of the two plants is absolutely pure water—pure enough to drink," said Huntley. "But I don't believe we'll even risk that, we will use the affluent of those plants to water the golf course.

"Solid waste material, engineers tell us, can be used for a number of years to shore up and stop washes and fill gullies up where erosion has occurred and impact these areas so the soil will be put back and the land steadily improved over the years.

"We think we are rather good conservationists getting off to a good start."

FAMOUS SKIER

Jean-Claude Killy skied the slopes of the Big Sky, reported Huntley, and was enthusiastic about the whole terrain, and quality of snow saying it "was absolutely magnificent."

Huntley said he didn't know what Killy's future association with Big Sky would be adding "quite frankly we are negotiating and if he was pleased with Big Sky, why, that is one leg up, isn't it?"

WINTER RESORT AREA

The development arterial winds approximately four miles along one side of the very scenic draw leading to the winter resort at the base of Lone Mountain.

The heart of the winter area is formed by the ski village and staging area.

The ski village separates into three major areas:

A semi-enclosed pedestrian shopping street.

A girded residential section.

And a central parking facility.

These three areas meet at a village green which is surrounded by a traffic circle. Traffic comes into the circle from the principal village road leading off the development arterial and a secondary road that connects with the arterial two miles before the village.

The traffic circle serves as an interchange turn-around and drop-off for skiers and shoppers. It forms the head of the central parking area which adjoins it to the northwest.

The traffic circle and village green also form the base of the shopping street which runs up the back of a finger-like plaza-like staging area which will serve ski slopes off Lone Mountain and Andesite Peak.

The staging area is best described as two curving wings which house extensions of the retail and restaurant developments of the shopping street.

Another wing, housing hotel and convention facilities will curve out to embrace the village green and the traffic circle.

Land use in the residential section ranges from single family residential to condominium apartments.

The central parking facility covers seven acres, and is linked to the shopping street via the Village Green.

A marshy meadow lying immediately west of the ski village will be flooded by the systematic damming of a creek running through it to create a series of terraced ponds. The ponds help to separate residential development from the village core.

A sports area, including indoor squash, swimming, and tennis, is planned in a park-like quadrangle surrounded on three sides by ponds and connecting with hotel and convention facilities via the village green.

Lines of residential development are planned east of the ponds and along the secondary road, running down the draw. These lots are located at the base of the ski slopes and owners would have the added advantage of being able to ski directly to their front door.

In conjunction with this, a future staging area for slopes off Andesite Mountain is planned midway between the ski village and the juncture of the secondary road with the arterial.

To the west of the village a large lot subdivision is planned in a fanlike geometry. Plans are to subdivide this area in large single family lots.

At the northwest corner of this "fan" an exclusive residential block is planned. It will include a small commercial building housing a country store, and, in the future, a high quality restaurant. This block forms the core for a future "outlying" village and is the only location that offers a dual view of Ulerys Lakes and Lone Mountain.

SUMMER RESORT AREA

The summer resort area is located two miles from Highway 191 in a large, flat basin where Sam Smeding has operated his cattle ranch since 1962.

This particular site gives one a vivid view of Lone Mountain to the west and a number of other peaks, including Wilson Peak to the north.

The summer area is proposed with an 18-hole tournament size golf course forming the heart of the summer area. It is located in the center of the large basin.

Residential development bounds the northern and eastern sides of the golf course, all of which makes it look like a large semi-enclosed park.

In the center of the golf greens are the golf clubhouse, swimming, tennis and other recreational activities.

The curving arterial road connects the ski village and the summer area with U.S. 191. A frontage road that runs along the arterial will be built for serving the condominium apartments and single family residential development which is built to define the areas of the golf course and in some cases fingers into the course.

Three other major developments are adjacent to the golf course. They are:

An equestrian area providing show grounds, arena and stables to the east.

A park surrounded by residential development to the north.

And a man-made lake ringed by small and large lots to the west.

Smeding's dude ranch is located to the northwest of the development while a skeet and trap shooting facility are located off the arterial to the east.

A linear commercial development, situated within the strip between the arterial and frontage roads, will be located near the first juncture of the highway arterial within the summer area. It can expand along the strip.

Larger lots are planned around the lake and around the northern perimeter of the circular residential area. They have direct access to open country and are envisioned as small horse ranches.

The lake will be created by an earth dam placed just below the fork of two streams. Its eastern shore will be left open for visual exposure to the arterial. Other open areas are planned for public beaches and mooring facilities.

HOWARD NELSON SAYS AIRPORT COULD DOUBLE BOARDINGS SOON

A member of the Gallatin Field board has predicted the Big Sky recreational development will double the boardings at the airport within the next five years.

In addition, Howard Nelson of Bozeman said while "looking into a crystal ball," the year-round recreational development will be one of the greatest economic boons this community has experienced.

Chet Huntley told board members Friday the development would be gradual.

MANY GUESTS

During the meeting on last Friday with board members, Huntley said between 3,000 and 4,000 guests could be expected by the winter of 1972 on a weekend.

Huntley has asked if the field is large enough for 747 jets.

"It is certainly going to increase the traffic at the airport," Nelson noted.

"I would say it would amount to a third more than the anticipated increase in the time.

"I would say we could count on 100,000 boardings by 1975 from the figures compiled for us."

ADDITIONAL FACILITIES

Nelson said the increased traffic would require additional parking facilities and the expansion of the terminal building.

"Baggage and terminal facilities," Nelson said, "will have to be expanded considerably. At this point we are thinking of expanding the present building."

He said under optimum conditions a 747 could land at Gallatin Field but not with a full load and warmer summer temperatures.

To accommodate 747s Nelson said, the runway would have to be lengthened and widened.

To accommodate executives twin engined aircraft, parking facilities will have to be expanded and reinforced to handle the heavier machines.

Nelson believes many of the employees of Big Sky will live in the Bozeman vicinity as well as near Gallatin Gateway and the Gallatin Canyon area.

"School age children will dictate a lot about that," Nelson said.

MAIN ACCESS

During the meeting with airport board members on Friday afternoon, Huntley and Chrysler Realty President Ed Homer said Gallatin Field would be the main access site to Big Sky. Huntley said Big Sky buses and limousines would transport passengers between the resort and the airfield at Belgrade.

In future years, Huntley said, an air taxi service would operate between Gallatin Field and the Canyon.

Big Sky has offered to purchase Buck's T-4 for the air taxi site, it was learned.

CHET HUNTLEY SAYS BIG SKY BRINGS CLEAN INDUSTRY TO MONTANA

"For years I have had an ambition and a vision to somehow arrange it so that thousands of fellow Americans, and visitors from foreign countries as well, might come to this state and see its resources and incredible scenery and meet its equally incredible people," said Chet Huntley in the press conference held Monday at the Governor's offices in Helena.

Huntley was announced at this meeting as chairman of Big Sky of Montana.

"I've always had the conviction too that this might be done without mining the land and spoiling or exploiting it, so that these priceless heritages that we have, and the incredible resources might be preserved for future generations.

"It was my good fortune, not too long ago, to become acquainted with the people of Chrysler Realty Inc. I was pleased to discover that these people share my convictions and I'm sure your convictions as well, that recreation areas must be handled in the correct way.

"These people believe in handling recreation correctly, preserving the environment, the natural resources, the scenery, the water and the land, so that they will not be disturbed.

"And make it possible so that hundreds of thousands of people can come to visit a recreation area of this kind and enjoy it in any degree of affluence that they may choose for themselves, either at a low cost budget, or live in a high degree of affluency for a few weeks—all this without disturbing the environment."

In summary, Huntley said that "Big Sky, the project and the concept is now well enough advanced that the next step I feel is that it's going to become a reality in the next few months if the people of the State of Montana want it. It has to be done in the correct way and here is where we are going to need your help particularly.

"We are aware that our interest in the Lone Mountain area is attracting other people. I think it is to the state's advantage, if it is done the right way and here is where we need your help to see to it that there are some agreements, if not laws, that this whole recreation area is undertaken in the correct way so that the environment is not going to be mined and harmed."

EMMETT CRAIL HAS SPENT MANY YEARS ON LONE MOUNTAIN RANCH

(By Bud Clark)

The six young hardy souls had left their base camp halfway down the Madison side of Lone Mountain early that morning and ridden their horses on up through the timber, brush and rocks and tethered them at timberline as they scrambled the rest of the way to the peak on foot.

Five of them reached the top abreast then one hollered to the lone straggler, "Hey Emmett, come take a look at the whole world."

Emmett Crail, not too enthusiastic about the whole deal, didn't reply until a long look had been taken to the Northeast at the sprawling Crail ranch a few miles below which was bordered on the north by the magnificent Spanish Peaks. His gaze shifted to the North and West Forks of the Gallatin River as they meandered toward the mother Gallatin wending through Porcupine Basin and then west at the Madison River as it slipped past the little town of Ennis nestled in the valley. His long awaited speech at this breathtaking moment was a typical Gary Cooperish, "Yeah."

This was a day in 1917 and there was certainly nothing to indicate that a lot of what he and his friends surveyed that afternoon would, in 1970, begin to be transformed into one of the world's finest winter sports and recreation areas.

Emmett first saw the light of day in the Springhill community on August 26, 1888. His father, Augustus Frank Crail, came to Montana from Indiana a few years prior and met and married Sally Creek.

There were three children born to this marriage, two boys and a girl, and when Emmett was fourteen, the father bundled up his family to move them up on the West Fork of the Gallatin near Lone Mountain to homestead the ranch that is now owned and operated by Sam Smeding.

This homestead was not easy to come by as most of it was on school lands and the rough part of it toward the Spanish Peaks had to be dickered out of a railroad company.

BUILDINGS STILL STAND

The main ranch buildings, just as they stand today, were erected on the original homestead and were built by the Crails from logs and lumber from their own land.

When Emmett became of age, he homesteaded a piece of land adjoining his father's place to the east.

His brother developed a place on the other side of the main ranch which they had obtained from a man by the name of Savage who originally homesteaded it.

The Crails ran a hundred or so cattle and when marketing time came, they would roundup those that were ready and drive them down the Gallatin canyon road, such as it was, to Salesville, which is now Gallatin Gateway, then ship them from there by rail to Chicago. In later years, when a better road and trucks became available, the cattle were trucked out as they are today.

BUILD LUMBER MILL

This industrious family also built a lumber mill a little ways east of the main ranch buildings to mill logs and lumber for their own use and for market. This particular mill burned down but that didn't deter the Crails for long. They proceeded to build another mill to the west of the ranch house that, for power, would be modern even today.

There was a waterfall on the North Fork creek at this site so a waterwheel was obtained from somewhere and geared to a turbine which developed about twenty five watts of power to operate their saws.

Nothing but a few blurred signs of this mill remain today and no one seems to know what became of the waterwheel. But in its heyday they could turn out about five thousand feet of lumber per day with this mill and that wasn't bad.

HUNTER'S PARADISE

Emmett naturally did a lot of hunting and fishing in this outdoor paradise. More than two hundred head of elk would summer graze in the ranch area. Lakes in the Spanish Peaks abounded with Cutthroat and Rainbow trout. And, prior to 1912, the Peaks were almost overrun with mountain sheep.

1910, Emmett spent a month in the Peaks with a naturalist from Harvard University and his wife. Sheep were everywhere but the following winter was extremely tough and there was a disastrous winter kill. Open season on sheep was closed for forty years after that and, even now, sheep are taken only on permits.

AVALANCHE BEGINS

Once Emmett and a companion were hunting in the Porcupine Creek area when they came to a slanting snow field that didn't look too solid. However, a deer had crossed it so they took a chance.

About halfway across, a slide started above them and all that could be done was run on a downhill slant. Sometimes Emmett was leading and sometimes his buddy was ahead. Just as they were about to be clobbered they reached a large tree fall that had come down with a previous slide. The log was large and high to block the slide with our heroes huddled behind it. Asked what they did then, Emmett said, "We just shook off the snow, checked our gun barrels and went on hunting."

BEAR GETS CHICKENS

One day Emmett entered his chicken house and there lay a bear near a hole in the wall. The bear had a good thing going as she just waited until a chicken wandered in through the hole then reached out and grabbed it. She didn't even look up at Emmett. He studied her for a few minutes then got a fishing pole and used it as a fencing rapier on her. Nothing. She just looked at him as if to say, "Scram!"

He then got his rifle and fired several shots into the air behind the chicken house to scare the old rascal but all that happened was the sow's two half grown cubs had by then joined her. Since noise and cajoling could not move them, Emmett finally eliminated them with powder and ball.

SENSE OF HUMOR

He has a very droll sense of humor and can even make a serious statement sound funny. He takes plenty of time in speaking. Emmett married late in life and on his wedding day he entered a barber shop and told the barber to fix him up nice as he was going to a wedding. The barber assured him he would, then asked who was getting married.

"Annie Brenaman."

"No kidding. Who is she marrying?"

"Me."

At this time Emmett had been operating his ranch alone for a number of years. His brother had departed for other interests and is living today in Salem, Oregon. His sister is living in Long Beach, California. Annie and he spent only one year on the ranch then sold out to Jack Hume in 1950, who, in turn, sold to Sam Smeding.

His beloved Annie passed away a few years ago and Emmett again lives alone in his little home about a mile or two south of the four corners on Highway 191. He keeps busy at gardening, leathercraft work and other interests. When asked if he was about to retire from it all, he drawled, "Aw, you ain't seen nothing yet. I'm just getting my second wind."

SUMMER AREA OF PROPOSED COMPLEX LOCATED ON SMEDING LAND

"We want to show people, particularly those in this state, that Montana has a tremendous potential for the industrial development of its natural resources."

With these words, Sam Smeding, Lone Mountain rancher, who was one of the prime instigators in the development of Big Sky, Inc., gives his main reason for actions in the past few years that are leading to the development of a multi-million dollar recreational area in Gallatin Canyon.

"We want to develop this year-round recreational area and leave it to Montana as a monument of what can be done in developing recreational industry here," explained Smeding. "It will show Montana's potential.

"Montana governmental agencies simply haven't been recognizing the scenic and recreational potentiality of the state."

Smeding pointed out that the average out-of-state hunter comes here and spends, on the average, $1000 for this one trip—some spend more.

"Recreation is an industry and Montana has what is needed for developing this type of business," said Smeding.

THING OF THE PAST

Smeding, who has been a dude rancher and cattleman in the Gallatin Canyon since 1962, said he feels that hunting, by itself, has no future as a prime industry within the state.

"With the present hunting pressure and program I don't see how Montana's hunting could be built up to become a big state industry," he stated, adding, "I have argued with Montana governmental agencies for sometime on this subject."

This fall, Smeding and his wife, Florence, brought four elk to their ranch from the Roscoe area to join a young bull elk they had purchased last year.

"The elk will add to the atmosphere of the Big Sky development and they also can have a commercial value," he commented.

ORIGINAL IDEA

Who conceived the idea of a year-round recreation resort area in the Gallatin Canyon?

"I've always had the idea, as indicated by my dude ranch, that this area was good for recreation," said Smeding, "but, actually, the total recreation aspect came from my conversations with Fred Pessl and from talking with Chet Huntley with his imaginative ideas."

The Smedings sold 1,880 acres of land to Chrysler Corporation to become a part of Big Sky, Inc.

Their holdings include a cattle ranch with buildings located on the West Fork of the Gallatin River where the old Emmett Crail ranch was once established; a dude ranch, located two and a half miles to the northwest of the home ranch and a hunting camp, located eight miles up Middle Fork.

"The dude ranch will be retained," Smeding said, "but it will be upgraded. It will be maintained separately from the village."

Actually the main village will be located at the Smeding's home ranch. Although the plans aren't completely formed, the village will include a golf course, shooting gallery, horse arenas and "just about everything" according to Smeding.

The status of the cattle ranch remains in an indefinite state "it might have to be shifted to one side to make room for the activities."

Smeding says he doesn't know what his official designation will be in the development, but, adds laughingly, "I've been called everything from manager to handyman."

EVERYONE WELCOME

Rumors have circulated in the Bozeman area that the Lone Mountain development would be geared to only the very wealthy with local residents left out.

Smeding expressed surprise at the idea that the resort would be a posh club and only for the richest. "I certainly wouldn't say it is exclusive, of course, standards and specifications will exist for the buildings, etc.

"We really want to encourage local skiers, sports enthusiasts and everyone who is interested in recreation to participate."

OUTDOORS PEOPLE

The Smedings came to the Gallatin from Roundup where they owned and operated a 36 section ranch. They sold their Musselshell ranch to the man who interested them in their Lone Mountain land and purchased the acreage from Jack Hume.

A man who loves the outdoors, Smeding says, "I'm never indoors anymore than necessary." Not only has he been a cattle rancher for some years but he can tell of many years experience spent packing hunters into Montana's high country.

Mrs. Smeding shares her husband's enthusiasm for the outdoors but maintains she's been too busy in the last few years to spend as much time outside as she would like.

The Smedings have a daughter, Mrs. Alice Vander Voort, who makes her home in Ryegate, and a son, Bud, recently returned from Vietnam.

MONTANA SCHOOLCHILDREN CONCERNED ABOUT DDT

Mr. MANSFIELD. Mr. President, one of the most important issues facing the State of Montana and the Nation is the question of pollution. We have been doing a great deal of talking about it in this Chamber. The administration has come out four square against pollution, and the mail has perked up remarkedly so far as the membership of this body is concerned. Up to the present time, I have received in the neighborhood of 15,000 letters, telegrams, and petitions indicating the deep interest of the people of my State in preserving the environment, in doing away with pollution, and in undertaking the necessary means to become acquainted with the vast problems which this issue poses.

In this connection, one of the most interesting letters I have received is from a group of fifth grade students at the Riverview School in Great Falls, Mont. All of these students—there must have been 20 to 30—have been answered personally; but I wrote a letter to Miss Barbara Bristol, who was the originator of the idea and who was one who developed such great interest in this matter among her classmates. In a footnote, I assure Barbara and her classmates in the fifth grade at the Riverview School that I will do my best to save the newts, the sparrows and goldfish, the chamelon, the guinea pigs, and all their types and others from the danger of pesticides. I mentioned these because some of the students had told me that they had them in their room.

I ask unanimous consent to have the letter printed at this point in the RECORD.

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

FEBRUARY 3, 1970.

Miss BARBARA BRISTOL,
Fifth Grade, Riverview School C–2,
Great Falls, Mont.

DEAR BARBARA: This will acknowledge receipt of your letter of January 15 in which you and your classmates raise certain questions about DDT. First, may I say that I appreciated the initiative which you have shown in looking into this particular question in trying to become more knowledgeable about it and in contacting Mr. Eddie Albert and me.

I am delighted that you have heard from Mr. Albert, and I am very happy that you took the time and the trouble to give me the benefit of your views. What you have done is a first step in the exercising of citizenship and, to me, is a very encouraging attitude on the part of your generation. You have made me more interested in DDT and other pesticides, and the uses and abuses and, most important, the fact that their abuses have reached such a stage that something must be done about them. I have gone over each letter personally, and I have compiled a list of questions from the entire class and have endeavored to answer them to the best of my abilities. The questions and answers are as follows:

1. Are you a conservationist?

I most certainly am, and I feel that the need to face up to the problems of our environment as it affects the flora and fuana, as well as the air and the water, is long overdue.

2. What is our state doing about it?

This is a question which I think you should ask Governor Forrest Anderson, whose address is the State Capitol, Helena, Mont.

3. Have you been trying to stop it?

Yes, but I have not been concerned enough, though I intend to join Senator Gaylord Nelson and co-sponsor legislation which he has introduced to forbid the use of DDT so that plant and animal life will not be subject to its dangers, and, very likely, destroyed.

4. What can I do to help?

You are helping already by showing an interest in this problem, and I would suggest that you and your classmates, friends and parents read up on this question and make your views known to your State and National legislators.

5. What are both sides of the story?

DDT has been a very potential weapon in the extermination of mosquitoes and other pests and, thereby, has held down or erradicated certain kinds of diseases. However, on balance it seems to be more dangerous and I hope that other means can be found to replace DDT which would not be so dangerous.

6. What companies is this being sold from?

That information I do not have at my disposal.

7. How can we make it illegal to sell it?

By passing laws of the kind that Senator Nelson has introduced and which should receive strong Congressional support.

8. "I know you are good friends with President Nixon, so if you would get his opinions, I would be pleased."

I would suggest that you write to the President directly about his opinions. My thinking is that they would be very close to mine.

9. How does it affect the birds?

In all too many instances, it kills them.

10. If a bird had this disease and you ate the bird, would you get the disease also?

I think there are indications that birds so contaminated can pass on to human beings certain kinds of infections.

11. What other lands use pesticides?

Practically every civilized country in the world.

12. "I wish they would make sweatshirts looking like this about DDT." (Sent by Cynthia Coonse)

So do I!

13. Will you talk to Mr. Nixon about this problem?

Yes, I will be glad to at the first opportunity.

I hope that what I have said has given you the information you desire. I hope, also, that it indicates my great interest in this problem and greater and more intensive because of your interest and my desire to be of all possible assistance in coping with it. If you have any further questions, please feel free to write to me.

Again, I want to thank you Barbara, for being the originator of this particular project on this particular issue and to assure you that I am indebted to you and your classmates for the interest shown.

Must close now, but with best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

P.S.—Please rest assured that I will do my best to save the newts, sparrows, goldfish, chameleon, guinea pig and all their types and others from the danger of pesticides. I mentioned the above because some of you have told me what you have in your room. Regards. MM

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFCER (Mr. MONDALE in the chair.) Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

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

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from small and other business firms from July–November 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF THE METROPOLITAN POLICE DEPARTMENT RESERVE CORPS, DISTRICT OF COLUMBIA

A letter from the Administrative Officer, Metropolitan Police Department Reserve Corps, Washington, D.C., transmitting, pursuant to law, a report of the Corps for the 1969 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the evaluation needed of cost-effectiveness of four more deep submergence rescue vehicles before purchase by the Navy, dated February 20, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE ANTHRACITE MINE WATER CONTROL AND MINE SEALING AND FILLING PROGRAM

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the anthracite mine water control and mine sealing and filling program, for 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF DISTRICT OF COLUMBIA GOVERNMENT ON HIGHWAYS

A letter from the Commissioner, Government of the District of Columbia, transmitting, pursuant to law, a report on recommendations for highways in the District of Columbia (with an accompanying report); to the Commitee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTION BY THE COMMONWEALTH OF MASSACHUSETTS

Resolutions memorializing the Congress of the United States to enact legislation to provide for the payment of all medical expenses of members under the medicare program

Whereas, Under the present Medicare program members must pay part of the medical expenses they incur; and

Whereas, The Medicare program has certain limitations as to the amount of time said members are covered by the program; and

Whereas, The Medicare program fails to provide benefits for many of the medical expenses of the members; and

Whereas, Many of the members are unable to pay the medical expenses they incur that are not covered by the Medicare program; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to provide for the payment by the government of all medical expenses incurred by members of the Medicare program; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 4, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, February 9, 1970.

WALLACE C. MILLS, *Clerk.*

A true copy. Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

A resolution of the Legislature of the State of Wisconsin; to the Committee on Finance:

ENROLLED RESOLUTION BY THE STATE OF WISCONSIN

Memorializing Congress to support a bill to entitle the veterans of World War I to the same pension as veterans of the Spanish-American War.

Whereas, Senate Bill 2658 was introduced in the 91st Congress; and

Whereas, this bill amends title 38 of the U.S. Code to entitle veterans of World War I and their widows and children to a pension on the same basis as veterans of the Spanish-American War and their widows and children; now, therefore, be it

Resolved by the assembly, That the Congress of the United States be, and it hereby is, requested to pass Senate Bill 2658; and, be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the secretary of the Senate of the United States, the clerk of the House of Representatives of the United States, to each member of the Congress from this state and to the President of the United States.

HAROLD V. FROEHLICH,
Speaker of the Assembly.

Attest:

WILMER H. STRUEBING,
Assembly Chief Clerk.

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

ASSEMBLY JOINT RESOLUTION NO. 2

Relative to state regulation of offshore oil and gas development operations

Whereas, The recent Santa Barbara oil disaster provided an unforgettable example of the terrible destruction an offshore oil leak can cause to the marine environment anywhere along the California coast; and

Whereas, All new offshore oil wells are more than three miles offshore and therefore are not subject to strict California drilling regulations which might prevent such spillage; and

Whereas, The federal government recently established a precedent in the field of environmental protection by allowing California to establish stricter automotive exhaust standards than existing federal standards; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Secretary of the Interior to allow California to control and apply stricter state regulations to all oil and gas drilling in federal waters more than three miles off the coast of California; and be it further

Resolved, That with respect to oil and gas drilling on federal tidelands in the Santa Barbara Channel, the Legislature respectfully memorializes the federal government to act immediately to halt such drilling permanently; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

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. MOSS:

S. 3490. A bill to designate a certain route

on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the Golden Spike Highway; to the Committee on Public Works.

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

By Mr. NELSON:

S. 3491. A bill to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip mined areas, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. STEVENS (for himself, Mr. BENNETT, Mr. ERVIN, Mr. GOLDWATER, Mr. PACKWOOD, Mr. YOUNG of Ohio, Mr. GURNEY, Mr. MAGNUSON, and Mr. JACKSON):

S. 3492. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under a separate heading.)

By Mr. MONDALE:

S. 3493. A bill for the relief of Miss Franca Bendel; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 3494. A bill for the relief of Vittorio Liotti; and

S. 3495. A bill for the relief of Alfredo Giammatteo; to the Committee on the Judiciary.

By Mr. MATHIAS:

S.J. Res. 174. A joint resolution to authorize the President to proclaim the period from March 15, 1970, through March 22, 1970, as "International Demolay Week"; to the Committee on the Judiciary.

S. 3490—INTRODUCTION OF A BILL DESIGNATING A CERTAIN HIGHWAY AS THE "GOLDEN SPIKE" HIGHWAY

Mr. MOSS. Mr. President, this past year—on May 10, 1969, to be exact—we celebrated in my State of Utah the centennial of the driving of the Golden Spike at Promontory, Utah, and the linking of the United States by transcontinental railroad.

The hundredth anniversary of the date when the Nation was welded from sea to sea by twin bands of steel gave us an opportunity to pay tribute to the leadership and vision which produced the railroads, and the incredible endurance of the men who laid the rails. These were celebrated both in rhetoric and in pageantry. Those who were there will never forget, I am sure, the dramatic reenactment of the moment when the Union Pacific's engine No. 119 and the Central Pacific's "Jupiter" inched forward to touch snouts, the executives shook hands, the workers exchanged bottles of champagne and the the Nation went wild with joy as the telegraph message reached major centers of population from coast to coast.

Those of us who were there for the centennial will never forget either hearing again the story of the grueling years of working and sweat and courage which went into the construction of the railroad from Omaha, Nebr., to Sacramento, Calif.

The builders, surveyors, engineers, graders, and tracklayers battled deep snow in the California Sierras and bitter cold in the Wasatch Mountains of Utah and on the Wyoming and Nevada plains. Side by side with Federal troops they fought costly skirmishes with Indians who suspected that the manmade iron trail meant an end to their free way of life.

The logistics of the construction job were unprecedented. Rails and other supplies for the Central Pacific were shipped around Cape Horn; ties for the Union Pacific were hauled across hundreds of miles of treeless prairie. Locomotives were hauled across the ice of the yet unbridged Missouri River. Horses, scrapers, hand shovels, pickaxes, and black powder were the most modern tools available in this nonmechanized era.

Union Pacific crews, mostly made up of Irish immigrants, pushed across the plains and Chinese laborers of the Central Pacific tunneled and laid track across the high Sierras of California and across Nevada toward Promontory. After the Civil War, freed slaves and former soldiers from both sides were added to the work crews. In Utah, Brigham Young—bitterly disappointed when told the railroad would bypass Salt Lake City by swinging north of the lake—nevertheless put Mormon contractors to work building the grades and embankments for both lines. In all, Union Pacific laid 1,085 miles of rail and the Central Pacific 690 miles.

I can think of no better way to cement forever in the minds of all Americans the story of the building of the first transcontinental railroad than to name the motor vehicle highway which follows the route of these bands of steel, "The Golden Spike Highway." The route I would recommend renaming is as follows:

The National System of Interstate and Defense Highways, which consist of route I–80 from Omaha, Nebr., to Echo Junction, Utah, route I–80N from Echo Junction to the junction with Utah State Highway No. U–30, and route I–80 from the junction with such State Highway No. U–30 near Oasis, Nev., to Sacramento, Calif. The State of Utah could designate U–30 between I–80N and I–80 near Oasis as "The Golden Spike Highway" to complete the link.

A part of this road—the portion across Nebraska and Wyoming, and a part of the road in Utah—was once known as the Lincoln Highway. Some of the route across Nevada was once known as the Victory Highway. But now no one ever calls either portion by these names. They are known only by their numbered route designations.

So it is not a question of usurping any name which is now in common use, or taking away any distinction which the highway now has. It is simply a question of designating the portion of one of our major cross-country highways with a name which links it to a very important and dramatic portion of our past—with the construction and completion of the railway which united the American East with the American West, and paved the way for the development of the vast wilderness west of the Mississippi River.

Mr. President, I introduce for appropriate reference a bill to designate a highway beginning in Omaha, Nebr., and ending in Sacramento, Calif. and passing within a few miles of Promontory, Utah, as the Golden Spike National Highway."

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

The bill (S. 3490) to designate a certain route on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the "Golden Spike Highway," introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3491—INTRODUCTION OF THE MINED LANDS RESTORATION AND PROTECTION ACT OF 1970

Mr. NELSON. Mr. President, one of the critical and to date much neglected elements in a truly effective American commitment to meet the environmental crisis must be the establishment of a tough national land and resource policy that will correct the tragic situation in which many continue to consider it their right to use and abuse our environment.

Such a policy must have enough teeth to put a halt to the kind of development that recklessly drains and fills coastal and inland wetlands; that destroys wildlife habitat and pollutes our rivers, lakes, and even the oceans; that carves up our coastal and lake shorelines, eliminating them forever from public use; that brings massive land erosion in urbanizing areas, and that devastates whole regions with scrape-up-and-get-out strip-mining operations.

Bluntly put, without immediate and high-priority attention to halting our destruction of the land, a national effort to protect the environment will be headed to total failure.

Today, I am introducing the fifth bill in a package of legislation to establish important parts of a national land and resource policy.

The bill, evolved from legislation I have introduced in previous Congresses, is entitled the Mined Lands Restoration and Protection Act of 1970. It is a far-reaching measure, designed to deal with the continuing national scandal of the extraction of minerals—ranging from coal to sand and gravel—in the cheapest possible fashion with little or no regard for the environmental and human consequences.

The bill would bring Government resources and authorities to bear for the regulation of present and future strip mining in the United States, and for the protection, acquisition, and reclamation of our vast surface and strip mined areas. Now, the environmental regulation of strip mining is almost nonexistent at the Federal level, and at the State and local levels, spotty, at best.

Title I of the bill requires the Secretary of the Interior and the Secretary of Agriculture after consultation with a national advisory committee to develop standards and reclamation requirements for all future strip mining operations, as well as for previously strip mined lands. Under provisions similar to the

national water quality standards program, strip mining standards could be set by the States, meeting national criteria, or, if the States didn't act, by the Federal Government.

Title II authorizes the Secretary of Agriculture to enter into agreements with State and local governments to provide financial and technical assistance for the reclamation of strip or surface-mined lands owned by those State and local governments. The Secretary of Agriculture is further authorized to pay up to 75 percent of the cost of this reclamation.

Title III authorizes both the Secretary of Agriculture and the Secretary of the Interior to make grants to State or local agencies and to other public or nonprofit agencies and institutions to develop improved reclamation and conservation practices for the utilization and development of strip-mined lands and to develop improved mining techniques.

Title IV authorizes the Secretary of Agriculture to provide technical assistance and cost sharing for the conservation and reclamation of privately owned strip-mined lands.

Title V authorizes the Secretary of the Interior to acquire certain strip-mined lands for the purpose of their reclamation and in order to establish an effective continuing conservation, land use, and management program.

We have been hampered in our efforts at the Federal level to provide effective leadership in the regulation of strip-mining operations and the reclamation of strip-mined lands because the responsibilities for these programs fall into two different agencies; namely, the Department of the Interior and the Department of Agriculture. This bill attempts to resolve the differences which exist between these agencies and assign to each agency those responsibilities which fall within their respective jurisdictions.

The strip mining controls proposed in this legislation are desperately needed. Up to 1965, 3.2 million acres of the American landscape, 5,000 square miles, had been disturbed by strip mining.

In 1964 alone, according to a report 3 years ago by the Department of the Interior, an estimated 153,000 acres were disturbed by the mining. According to the report, sand and gravel mining accounted that year for 60,000 acres; coal, 46,000; stone, 21,000; clay and phosphate rock, each 9,000, and other mineral activity, 8,000 acres.

The worst of the devastation has been in the coal fields stretching through nine States in Appalachia. But there is not a State that has escaped the disruption of some of its lands by surface mining.

The destruction can be expected to continue at an accelerating pace. The Interior report, titled "Surface Mining and Our Environment," noted that mining activities will only increase with the escalating demand for minerals and solid fuels. As an indication of the future, the report found that from 1960 to 1965 surface mining production increased from 2.5 billion net tons of crude ore to 3 billion tons. Strip mine production of coal increased from 138 million net tons to 185 million over the same period.

More than just directed impact on the land, the reckless strip mining operations have polluted thousands of miles of rivers and lakes with erosion and acid mine water; caused massive, damaging slides; ruined the beauty of the landscape with huge "spoil piles" and "highwalls," destroyed tens of thousands of acres of wildlife habitat, and left a clutter of rubbish dumps and abandoned buildings and equipment.

If mining operations continue to have their way, the ravages of this activity will for the most part remain forever, a permanent scar on a once beautiful land, and a further degradation of the quality of American life. According to the Interior Department report, 2 million acres of strip mined lands still lies in a ruined condition.

In congressional testimony 2 years ago, attorney Harry M. Caudill of Whitesburg, Ky., who continues to urge strict controls to stop the devastation, described the impact of strip mining in Appalachia:

> We have seen once-sparkling streams turn yellow and their channels choked with silt. We have seen valuable stands of second growth timber plowed under by bulldozers and broad and fertile fields reduced to desolate wastes. We have seen hundreds of families routed from their homes by mining corporations which blast and tear coal from under woodlots and orchards and, in at least one incredible instance, from beneath the resting places of the dead. And we have seen the deepening despair etched in the minds and hearts and faces of a multitude of once sturdy people—a people who even today sink with a dying land.

Today, the strip mining continues to rip and tear away, while the Nation stands quietly by, the dramatic attention of a few years ago faded to a murmur. It is another incredible environmental and human insult that America, in its pursuit of affluence at any price unfortunately continues to tolerate.

Make no mistake, the entire Nation is implicated in the strip mining destruction, as well as in all of our other environmental problems. Prof. Wayne H. Davis of the University of Kentucky in a recent article in the New Republic described the connections well. He pointed out:

> To run our air conditioners, we will strip-mine a Kentucky hillside, push the dirt and slate down into the stream, and burn coal in a power generator, whose smokestack contributes to a plume of smoke massive enough to cause cloud seeding and premature precipitation from Gulf winds which should be irrigating the wheat farms of Minnesota.

The destruction will continue until the American public as consumers and taxpayers demand action, and makes it clear that it is willing to help pay some of the costs of its affluence, and insists that industry and all the other institutions that have been willing accomplices in the frittering away of the quality of American life, do the same.

As I noted earlier in this statement, the Mined Lands Restoration and Protection Act is the fifth in a series of bills I have introduced in this Congress as a package of comprehensive proposals toward a national land and resource policy.

The other four bills are: S. 3484, the Marine Environment and Pollution Control Act, introduced last week, which establishes a broad-ranging effort to protect the environment and resources of the last and most vital frontier on earth, the sea; S. 3444, the National Lakes Preservation Act, also introduced last week, which establishes a comprehensive shoreline management policy for lakes across the United States through a concerted Federal, State, and local effort; S. 2848, the Mineral Leasing Act revision, which would help end the abuse of our public mineral resources by replacing our antiquated mining laws with a modern system of mineral leasing based on environmental quality principles; and S. 2757, which provides for large scale, federally aided programs to cut the massive erosion that is occurring along our streams, rivers, and highways from uncontrolled, unplanned urbanization and highway building.

Mr. President, I ask unanimous consent that the text of the Mined Lands Restoration and Protection Act of 1970 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. 3491) to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip-mined areas, and for other purpose, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3491

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 "Mined Lands Restoration and Protection Act of 1970.

SEC. 2. (a) The Congress finds and declares that the mining of minerals by the surface of strip method, both past and present, (1) destroys natural beauty, (2) damages the terrain for an indefinite period, (3) causes erosion of the soil, (4) contributes to water pollution, (5) adversely affects commercial and industrial development, (6) damages real property, (7) destroys forests, wildlife habitat, and other natural resources, (8) menaces the public health and safety, (9) cannot be made subject to uniform conservation requirements because physical and chemical conditions on spoil areas and spoil-bank characteristics can differ from State to State, county to county, bank to bank, and even from spot to spot on a particular bank, and (10) creates, because of the diversity of State regulations, or the lack thereof, competitive disadvantages for firms operating in a given market area and thereby interferes with the orderly and fair marketing of minerals in commerce. The Congress further finds that these results are detrimental to the economy of the Nation.

(b) It is therefore the purpose of this Act to provide for participation by the Federal Government with State and local governments, private, individuals, and other interested parties in a long-range, comprehensive program to reclaim lands and waters damaged by surface and strip-mining, to promote an effective continuing conservation land-use and management program, and to pre-

vent further detriment to the Nation from such mining operations through—

(1) the establishment of criteria and standards for the reclamation, conservation, and protection of surface and strip mined areas;

(2) the encouragement of the States to enact, or revise, and enforce laws, rules, and regulations for the regulation of future surface and strip mining operations in accordance with criteria and standards at least equivalent to the criteria and standards established pursuant to this Act;

(3) financial aid to provide for research and development, and technical advisory assistance, and the installation of demonstration projects;

(4) cooperative programs with State and other governmental agencies to provide Federal assistance for the reclamation and conservation of publicly and privately owned surface and strip mined lands;

(5) the acquisition of surface and strip mined lands where necessary in the public interest to achieve their reclamation and conservation;

(6) the promotion of public recreation, flood control, and soil erosion control, water pollution control, forestry, agriculture, restoration and preservation of natural beauty, enhancement of fish and wildlife habitat, and other natural resource values, and the public health and safety; and

(7) the elimination of competitive disadvantages for firms operating in a given market area which interfere with the orderly and fair marketing of minerals in commerce.

SEC. 3. For the purposes of this Act:

(a) The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture;

(b) The terms "surface mining" and "strip mining" are interchangeable, and mean the mining of minerals after complete removal of the surface or overburden above the deposit to be mined in a series of rows or strips, and include "auger mining" when conducted in conjunction with such mining;

(c) The term "overburden" means the earth, rock, and other materials which lie above a natural mineral deposit;

(d) The term "spoil" means all overburden material removed from over the mineral after it is either deposited into the area from which the mineral has been removed, or deposited on undisturbed land;

(e) The term "spoil bank" means the material of whatever nature removed and deposited on the surface so that the underlying mineral may be recovered;

(f) The term "stripping pit" means any trench, cut, hole, or pit formed by removal of the surface or mineral as a result of surface or strip mining;

(g) The terms "person" or "operator" are interchangeable and mean person, partnership, association, corporation, or subsidiary of a corporation which owns, leases, or otherwise controls the use of land on which surface or strip mining is conducted, which is engaged in the mining of minerals as a principal, and which is or becomes the owner of the minerals recovered as a result of such mining, and includes any agent thereof charged with the responsibility for the operation of such mine;

The term "mine" means (1) an area of land from which minerals are extracted in nonliquid form, (2) private ways and roads appurtenant to such area, (3) land, excavations, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface, used in the work of extracting such minerals from their natural deposits in nonliquid form, and (4) the area of land covered by spoil;

(i) The term "reclammation" means the reconditioning or restoration, when appropriate, of the area of land affected by surface or strip mining operations and such contiguous lands as may be necessary for an effective continuing use and management program, under a plan approved by the Secretaries;

(j) The term "commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia or any territory or possession of the United States, or between points in the same States, if passing through any point outside the boundaries thereof;

(k) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States;

(l) The term "area of land affected" means the area of land from which the overburden is removed, except that in stripping pits not more than one hundred feet in depth the area shall include the area occupied by the spoil banks; it also includes all lands affected by roads constructed to gain access and to haul minerals; and

(m) The term "operation" means all of the premises, facilities, roads, and equipment used in the process of producing minerals from a designated surface or strip mine area.

SEC. 4. Each surface or strip mine the products of which enter commerce, or the operations of which affect commerce, shall be subject to this Act.

SEC. 5. This Act shall be administered by the Secretary of Agriculture and the Secretary of the Interior as hereinafter provided. The Secretaries shall cooperate to the fullest extent practicable with each other and with other departments, agencies, and independent establishments of the Federal Government, with State and local governments and agencies, with interstate agencies, and with individuals or organizations. The Secretaries may request from any other Federal department or agency any information, data, advice, or assistance which they may need and which can reasonably be furnished, and such department or agency is authorized to expend its own funds with or without reimbursement. The Secretaries may also request the advice of State and local agencies and persons qualified by experience or affiliation to present the viewpoint of persons or operators of surface or strip mines, and of persons similarly qualified to present the viewpoint of groups interested in soil, water, wildlife, plant, recreation, and other resources.

SEC. 6. (a) The President shall establish a national advisory committee to advise the Secretary of Agriculture and the Secretary of the Interior in the development or revision of standards and reclamation requirements as required by section 101 of title I of this Act, and in such other matters as the Secretaries may request. The National Advisory Committee shall include among its members an equal number of persons qualified by experience or affiliation to represent the viewpoint of persons or operators of surface and strip mines, and of persons similarly qualified to represent the viewpoint of other interested groups, Federal, State, and local agencies. The President shall designate the Chairman of the Committee.

(b) The Secretary of Agriculture and the Secretary of the Interior, if they deem it desirable, may establish regional advisory committees to assist them and the National Advisory Committee. Each such regional committee shall consist of an equal number of persons qualified by experience or affiliation to represent the viewpoint of surface and strip mine operators and other interested groups, Federal, State, and local agencies.

(c) (1) Members appointed to such National Advisory Committee or regional advisory committees from private life shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of any such committee. All other members of any such committee shall serve without compensation.

(2) All members of any such committee shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of any such committee.

TITLE I—STANDARDS, RECLAMATION REQUIREMENTS, AND CRITERIA FOR THE PROTECTION AND MANAGEMENT OF STRIP AND SURFACE MINED AREAS

SEC. 101. (a) The Secretary of Agriculture and the Secretary of the Interior shall develop, or revise, after consultation with the National Advisory Committee appointed pursuant to section 6(a) of this Act, (1) Federal standards and reclamation requirements for the reclamation, conservation, protection, and management of previously surface and strip mined areas of private, State, and federally owned or controlled lands and waters, (2) Federal standards, and mining and reclamation requirements for the administration and regulation of all future surface and strip mining operations in the United States, and (3) criteria and priorities for the selection of projects and programs for affected areas of land and water in need of reclamation in those States which are eligible for assistance under the provisions of titles II, III, IV, or V of this Act.

(b) In establishing Federal standards, and mining and reclamation requirements for the administration and regulation of future strip and surface mining operations in the United States, the Secretaries shall consider requirements which will reasonably assure the attainment of the following objectives:

(1) The standards shall include, but not be limited to, grading, drainage, backfillings, plantings, revegetation, and any other measures or practices deemed by the Secretaries, after consultation with appropriate advisory committees, to be necessary to carry out the purposes of this Act.

(2) No person shall be permitted to commence operations to mine by strip or surface methods without first securing a permit or license from the Secretaries.

(3) Adequate law enforcement procedures shall be provided.

(4) The posting of an appropriate performance bond shall be required, forfeiture of which may automatically involve denial of future mining permits or licenses.

(5) Surface and strip mining operations and reclamation procedures shall be required to be preplanned, and approved by the Secretaries prior to issuance of a permit or license.

(6) The penalties provided herein shall apply for mining by strip or surface methods without a license or permit, and for willful refusal or failure to comply with the law, approved regulations, or the orders of a duly authorized authority.

(7) If warranted, the Secetaries may prohibit strip and surface mining in areas where reclamation is considered unfeasible because of physical considerations, such as ground-surface slope, but not limited thereto.

(8) Reclamation work shall be required to be integrated into the mining cycle, and appropriate time limits shall be established for the completion of reclamation.

(9) Periodic reports by the operator on the progress, methods, and results of reclamation efforts shall be required.

(10) Provision shall be made for the reporting and evaluation by the Secretaries of environmental changes in active and dormant strip and surface mining areas in order to provide data upon which the effectiveness of the reclamation requirements and their enforcement may be evaluated.

SEC. 102. (a) The Secretary of Agriculture and the Secretary of the Interior, after consultation with the national advisory committee established pursuant to section 6(a)

of this Act, shall publish in the Federal Register rules, regulations, model standards, and reclamation requirements promulgated by them pursuant to section 101.

(b) The provisions of section 553 of title 5, United States Code, shall be applicable to the rules, regulations, model standards, and reclamation requirements promulgated pursuant to this section.

(c) Any person or operator whose application for a license or permit has been denied by the Secretaries, or whose bond has been ordered forfeited by the Secretaries, or who has otherwise been aggrieved by an action of the Secretaries pursuant to the provisions of this Act, may appeal to the Secretaries for annulment or revision of such order or action, and the Secretaries shall issue regulations for such appeals which shall include due notice and opportunity for a hearing.

(d) Any final order made by the Secretaries on appeal shall be subject to the judicial review by the United States court of appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the operator aggrieved by such final order within twenty days from the date of the making of such final order.

(e) The appellant shall forthwith send to the Secretaries by registered mail or by certified mail a copy of such notice of appeal. Upon receipt of such copy of a notice of appeal the Secretaries shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the appellant.

(f) The court shall hear such appeal on the record made before the Secretaries, and shall permit argument, oral or written, or both, by both parties.

(g) Upon such conditions as may be required, and to the extent necessary to prevent irreparable injury, the United States court of appeals may, after due notice to and hearing of the parties to the appeal, issue all neccssary and appropriate process to postpone the effective date of the final order of the Secretaries, or to grant such other relief as may be appropriate pending final determination of the appeal.

(h) The United States court of appeals may affirm, annul, or revise the final order of the Secretaries, or it may remand the proceedings to the Secretaries for such further action as it directs. The findings of fact by the Secretaries, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(i) Following adoption of rules and regulations by the Secretaries pursuant to the provisions of this section any person or operator who willfully fails or refuses to comply with such regulations shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than $5,000 nor more than $10,000, or undergo imprisonment not exceeding six months, or both. Such fine shall be payable to the Secretaries, who shall credit it to the reclamation fund established under title VI of this Act.

SEC. 103. (a) Any State which, at any time, desires to secure the benefits of the financial assistance provided in titles II and III of this Act, and to develop and enforce standards, and mining and reclamation requirements for the administration and regulation of future mining operations by strip or surface methods within such State, shall submit to the Secretaries a State plan for the development of such standards and requirements and their enforcement.

(b) The Secretaries shall approve the plan submitted by a State under subsection (a) of this section, or any modification thereof, if such plan—

(1) designates the State agency submitting such plan as the sole agency responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of standards and reclamation requirements for regulating surface and strip mining, and for the conservation and reclamation of surface and strip mining in mines in the State which are or will be substantially as effective for such purposes as the standards and reclamation requirements which the Secretaries have established pursuant to this Act, and which provide for inspection at least annually of all such mines,

(3) contains assurances that such agency has, or will have, the legal authority and qualified personnel necessary for the enforcement of such standards and reclamation requirements,

(4) gives assurances that such State will devote adequate funds to the administration and enforcement of such standards and reclamation requirements,

(5) provides that the State agency will make such reports to the Secretaries in such form and containing such information as the Secretaries shall from time to time require.

(c) The Secretaries shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretaries find, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(d) (1) If any State is dissatisfied with the Secretaries' final action with respect to the approval of its State plan submitted under subsection (a) of this section, or with his final action under the second sentence of subsection (c) of this section, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted to the Secretaries by the clerk of the court. The Secretaries thereupon shall file in the court the record of the proceedings on which they based their action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretaries, if supported by substantial evidence on the record considered as a whole, shall be conclusive; but the court for good cause shown may remand the case to the Secretaries to take further evidence, and the Secretaries may thereupon make new or modified findings of fact and may modify their previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretaries or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The provisions of sections 101 and 102 pertaining to the Federal standards and mining and reclamation requirements for the administration and regulation of future mining operations by strip or surface method shall not be applicable in any State in which there is a State plan approved under subsection (b) of this section.

SEC. 104. The Secretaries are authorized at any time to cause to be made in a surface or strip mine or previously surfaced or strip mined area such inspections and investigations as they shall deem necessary for the purpose of determining compliance with applicable rules, regulations, standards, and reclamation requirements.

SEC. 105. For the purpose of making any inspection or investigation authorized by this Act, authorized representatives of the Secretaries shall be entitled to admission to, and shall have the right of entry upon or through, any strip or surface mine or previously strip or surface mined area.

TITLE II—RECLAMATION AND CONSERVATION OF SURFACE AND STRIP MINED LANDS OWNED BY STATE AND LOCAL GOVERNMENTS IN THE UNITED STATES

SEC. 201. It is the purpose of this title to facilitate the reclamation and conservation of lands owned by State and local governments that have been adversely affected by strip and surface mining operations and have not been reclaimed prior to the date of enactment of this Act to a level commensurate with the criteria and standards established pursuant to the provisions of title I of this Act, by providing authority to the Secretary of Agriculture to enter into agreements with the States and local governments to provide financial and other assistance for their reclamation: *Provided*, That when the intended use of the lands to be reclaimed is for parks or fish and wildlife, the Secretary of Agriculture shall enter into agreements respecting such lands only after consultation with the Secretary of the Interior.

SEC. 202. (a) (1) To carry out the purpose of this title, the Secretary of Agriculture is authorized to enter into agreements with the various States and local bodies of government for the conservation and reclamation of surface and strip mined lands presently owned or hereafter acquired by them.

(2) Each such agreement shall describe (A) the actions to be taken by the Secretary of Agriculture and by the State or local body of government, (B) the estimated cost of these actions, (C) the public benefits expected to be derived, including but not limited to the benefits of the economy of the State or local area, abatement or alleviation of land and water pollution, public recreation, fish and wildlife, and public health and safety, and (D) the share of the costs to be borne by the Federal Government and by the State or local body of government: *Provided*, That, notwithstanding any other provision of law, the Federal share of the cost shall not exceed the direct identifiable benefits which the Secretary of Agriculture determines will accrue to the public, and shall not in any event exceed 75 per centum of such cost: *Provided further*, That the share of the State or local body of government shall not consist of funds granted under any other Federal program, and (E) such other terms and conditions as the Secretary of Agriculture deems desirable.

(b) The Secretary of Agriculture, in his discretion, may require as a part of any agreement under this section that adequate provision be made for access to and use by the public of lands reclaimed under the provisions of this title.

(c) Each agreement entered into under this section shall contain a reasonable assurance by the State or local body of government that the reclaimed lands which are devoted to public use will be adequately maintained.

SEC. 203. Whenever the Secretary of Agriculture, after reasonable notice and opportunity for hearing, determines that there is a failure to expend funds in accordance with the terms and conditions governing the agreement for approved projects, he shall notify the State that further payments will not be made to the State from appropriations under this Act until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Secretary of Agriculture shall withhold any such payment to such State.

SEC. 204. The programs authorized to be assisted pursuant to this title shall be completed not later than January 1, 1988.

TITLE III—GRANTS TO STATES AND LOCAL AGENCIES AND OTHERS TO PROVIDE ASSISTANCE TO PROGRAMS OF RESEARCH AND DEVELOPMENT AND TECHNICAL ADVISORY ASSISTANCE

SEC. 301. It is the purpose of this title to facilitate the reclamation and conservation of lands and waters adversely affected by surface and strip mining operations by authorizing the Secretary of Agriculture and the Secretary of the Interior to make grants to the States, local governments, and others to be utilized in programs of research and development and in rendering technical advisory assistance.

SEC. 302. (a) The Secretary of Agriculture is authorized to make grants to States or local agencies and other public or nonprofit agencies and institutions (including State or private universities), for investigations, experiments, demonstrations, studies, and research projects with respect to the development of improved reclamation and conservation practices for the utilization and development of surface and strip mined lands, and for the development, preparation, and maintenance of a State program commensurate with the criteria and standards adopted pursuant to title I of this Act for the conservation, utilization, and development of surface and strip mined lands, and for rendering technical assistance to States and mining operators on these subjects.

(b) The Secretary of the Interior is authorized to make grants to States or local agencies and other public or nonprofit agencies and institutions (including State or private universities), for investigtions, experiments, demonstrations, studies, and research projects with respect to the development of improved mining techniques, for preparing and maintaining a continuing inventory of surface and strip mined areas and active mining operations on these subjects.

SEC. 303. (a) Any State or local agency or institution, desiring financial assistance under this title shall submit a proposal to the appropriate Secretary in such form and manner as he shall prescribe, and payments may be made only for those projects or programs approved by him.

(b) The appropriate Secretary may make payments from time to time in keeping with the rate of progress toward satisfactory completion of individual projects or the implementation of approved programs.

(c) No project or program to be assisted under the provisions of this title may be approved unless the State in which the project or program is to be undertaken has adopted State laws which meet the standards for the mining, reclamation, conservation, protection, and management of surface and strip mined lands established by the Secretaries pursuant to sections 101 and 102 of this Act, except in those instances where the appropriate Secretary determines that no surface or strip mining occurs within the State which produces a significant detrimental effect upon the local environment.

SEC. 304. Sums appropriated or otherwise available for State projects and programs under this title shall be apportioned among the eligible States by the appropriate Secretary, whose determination shall be final. In determining the apportionment among such States the appropriate Secretary shall consider, among other things, the financial and administrative resources available to the State to undertake projects of the type authorized by this title, and the nature and extent of problems and adverse conditions brought about by surface and strip mining operations in the individual States most in need of solution within the individual States.

SEC. 305. The programs authorized to be assisted by this title shall be completed not later than January 1, 1988.

TITLE IV—RECLAMATION AND CONSERVATION OF PREVIOUSLY MINED LANDS OWNED BY PRIVATE INDIVIDUALS

SEC. 401. It is the purpose of this title to facilitate the reclamation and conservation of privately owned lands and water adversely affected by surface and strip mining operations and not reclaimed prior to the enactment of this Act to a level commensurate with the criteria and standards established pursuant to the provisions of title I of this Act, by authorizing the Secretary of Agriculture to provide assistance to States, their political subdivisions, private organizations, and others for the reclamation and rehabilitation of such areas.

SEC. 402. (a) To carry out the purposes of this title the Secretary of Agriculture is authorized to:

(1) provide, upon the request of States, their political subdivisions, or legally qualified local agencies, technical assistance for developing project plans for the reclamation and rehabilitation of lands which were not reclaimed prior to the date of this Act to a level commensurate with the criteria and standards adopted pursuant to title I of this Act, and were not at the time they were mined subject to any legal requirements for their reclamation to a level commensurate with such criteria and standards; and

(2) cooperate and enter into agreements with, and to furnish financial and other aid to any agency, governmental or otherwise, or any person for the purpose of carrying out any project plan that has been approved by the Secretary of Agriculture and the cooperating State, soil and water conservation district, or other political subdivision or legally qualified local agency, subject to such conditions as may be prescribed by the Secretary of Agriculture.

(b) The Secretary of Agriculture may require as a condition to the furnishing of assistance thereunder to any landowner that the landowner shall:

(1) Enter into an agreement for a period of not to exceed ten years providing for the installation and maintenance of the needed reclamation works or measures;

(2) Install, cause to be installed, or permit the installation of the needed reclamation works or measures in accordance with technical specifications as approved by the Secretary; and

(3) Provide assurances satisfactory to the Secretary that such reclaimed and rehabilitated lands will be adequately protected against damages resulting from future surface mining operations.

SEC. 404. The financial contribution of the Federal Government toward the land treatment and construction costs for the reclamation and rehabilitation of lands in an approved project under this title shall not exceed 75 per centum of the total of such costs thereof.

SEC. 405. (a) Each project plan shall (1) describe the nature of the project and the actions to be taken by each of the public and private parties, (2) describe the public benefits expected to be derived, (3) specify the share of the costs to be borne by the Federal Government and by the other participating parties, and (4) such other terms and conditions as are deemed necessary to protect the public interests.

(b) The Secretary of Agriculture, in his discretion, may provide in the agreements with landowners that the work to be done under the project plan may be contracted for or performed by the owner of the land involved, subject to rules and regulations adopted by the Secretary of Agriculture.

SEC. 406. The programs authorized by this title shall be completed not later than January 1, 1988.

TITLE V—ACQUISITION OF LAND AND THE RECLAMATION AND CONSERVATION OF PREVIOUSLY SURFACE OR STRIP MINED LANDS

SEC. 501. In order to facilitate the reclamation, conservation, protection, and management of lands that have been affected by surface mining operations and not reclaimed prior to enactment of this Act to a level commensurate with the criteria and standards adopted pursuant to title I of this Act, the Secretary of the Interior is authorized to acquire by donation, exchange, or purchase any such surface or strip mined lands or interests therein and such contiguous lands as may be necessary for an effective continuing conservation land use and management program.

SEC. 502. (a) The Authority of the Secretary of the Interior to acquire lands, as provided in this title, may be exercised only when he determines that:

(1) The land is located within or adjacent to the boundaries of an established Federal unit and which, because of conditions prevailing thereon, are damaging other lands and waters inside or outside such Federal unit; and should be reclaimed to a level commensurate with the criteria and standards adopted pursuant to title I of this Act;

(2) The land is within the boundaries of an approved project provided for in title IV of this Act and that:

(A) The owners of the land are unwilling or unable to join with the other landowners in the project area in an agreement to reclaim jointly the project lands;

(B) The owners of 75 per centum or more of the lands within the project have entered into a joint agreement with the Secretary of Agriculture to reclaim surface mined lands pursuant to some other title of this Act.

(3) No State or local government body desires to acquire the land in furtherance of a project to be undertaken pursuant to some other title of this Act; and

(4) The Federal Government should acquire the land in order to accomplish the purposes of this Act.

(b) With respect to lands acquired by the Secretary of the Interior pursuant to this title which are located adjacent to national forest lands, the Secretary of the Interior is authorized to transfer jurisdiction over such lands to the Secretary of Agriculture for administration by him in the same manner and to the same extent as are other lands within the national forest system.

SEC. 503. In the case of acquisition by purchase of property pursuant to this title, the property owner shall, unless he offers to sell at a lower price, be paid the fair market value as determined by the Secretary of the Interior. Owners of improved property acquired under the provisions of this title may reserve for themselves and their successors or assigns a right of use and occupancy for noncommercial residential purposes, as hereinafter provided, appropriate portions of the property not required for reclamation measures for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. In such cases the owner of the property shall be paid the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided*, That such use and occupancy shall be subject to such general rules and regulations as may be established by the Secretary of the Interior.

SEC. 504. (a) The Secretary of the Interior shall conserve, reclaim, protect, improve, develop, and administer any property or interest therein acquired pursuant to this title

and construct such structures thereon as may be necessary to adapt it to beneficial public use.

(b) Except to the extent otherwise herein provided, lands acquired for the purpose of this title within established Federal units shall become part of such unit and shall be administered in accordance with the laws and regulations applicable thereto.

(c) With respect to land acquired under this title other than those within established Federal units, the Secretary of the Interior may, under such terms and conditions as he deems will best accomplish an effective continuing conservation land use and management program, sell, exchange, lease, or otherwise dispose of such property. When, in the judgment of the Secretary, reclamation of such property has been substantially accomplished, and such property should be administered by another Federal or State agency under conditions of use and administration which will best serve the purpose of a conservation and land use program, the Secretary is authorized to transfer such property to any such agencies.

(d) With respect to any land or interest therein acquired for the purposes of this title, the Secretary may make dedications or grants for any public purpose, and grant licenses and easements upon such terms as he deems reasonable.

SEC. 505. Each Federal department and independent Federal agency head shall develop and carry out a program for the reclamation and conservation of federally owned lands under his jurisdiction that have been affected by surface and strip mining operations and are not reclaimed in accordance with the criteria and standards adopted pursuant to title I of this Act.

SEC. 506. The programs authorized by this title shall be completed not later than January 1, 1988.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

SEC. 602. All appropriations for the purposes of this Act, all moneys received under this Act from the sale or lease of federally owned reclaimed land, repayment and interest costs by owners of nonfederally owned reclaimed land, all donations to the Federal Government for the purposes of this Act, all moneys received from fines or forfeitures, and other revenues resulting from the operations of the continuing conservation land use and management program shall be credited to a special fund in the Treasury to be known as the "Mined Lands Reclamation Revolving Fund". Such moneys shall be available, without fiscal year limitation, for carrying out the provisions of this Act, including purchase and reclamation of land.

SEC. 603. If any provision of this Act, or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision or circumstances, shall not be affected thereby.

S. 3492—INTRODUCTION OF A BILL TO STRENGTHEN PENALTIES FOR ILLEGAL FISHING IN TERRITORIAL WATERS AND THE CONTIGUOUS FISHERY ZONE OF THE UNITED STATES

Mr. STEVENS. Mr. President, I am today introducing legislation which strengthens the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States.

The United States has witnessed an increase in foreign fishing and a corresponding increase in the number of violations of our territorial waters. In 1969, there were 48 reports by U.S. fishermen and the Coast Guard of foreign fishing violations off the coast of my State of Alaska. Seventy violations were reported off New England and the Middle Atlantic and two off the State of Washington and the State of Oregon. The problem concerning foreign incursions into American waters illustrates two facts:

First. The Coast Guard does not have sufficient personnel nor vessels to safeguard all the coastal waters of our Nation; and

Second. The penalties provided for presently are not sufficient to deter illegal fishing in our waters.

This legislation increases the fine which is payable upon conviction from $10,000 to not less than $25,000 and not more than $50,000. It also renders subject to forfeiture every vessel and its tackle, apparel, furniture, appurtenances, cargo, and storage. This bill also creates a rebuttable presumption that all fish found aboard a vessel seized in connection with a violation of the act prohibiting fishing in the territorial waters of the United States were taken in violation of the laws of the United States.

I ask unanimous consent that this bill be printed in the RECORD immediately following my remarks.

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. 3492) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, introduced by Mr. STEVENS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1082), is amended—

(1) by striking out "not more than $10,000" subsection (a) thereof and inserting in lieu thereof "not less than $25,000 and not more than $50,000",

(2) by amending subsection (b) thereof to read as follows:

"(b) Every vessel employed in any manner in connection with a violation of this Act shall be subject to forfeiture and the tackle, apparel, furniture, appurtenances, cargo, and stores of any vessel so employed shall be forfeited. All fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited, and, for the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with a violation of this Act were taken or retained in violation of this Act.", and

(3) by amending subsection (c) thereof by striking out ", including its tackle, apparel, furniture, appurtenances, cargo, and stores" each place it appears therein.

SEC. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

SEC. 3. Such Act of May 20, 1964 (16 U.S.C. 1081–1085), is further amended by adding at the end thereof the following new subsection:

"SEC. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than $5,000 if such person submits to any such officer or authorized person original information concerning any violation, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

ADDITIONAL COSPONSORS OF BILLS

S. 3348

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3348, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and for other purposes.

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

S. 3385

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3385, a bill to amend title 38, United States Code, to increase the income limitation applicable to nonservice-connected pensions for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pensions to such dependency and indemnity compensation.

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

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 357

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Oklahoma (Mr. HARRIS) be added as cosponsors of Senate Resolution 357 urging a more effective and equitable set of anti-inflationary policies.

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

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—AMENDMENT

AMENDMENT NO. 513

Mr. WILLIAMS of New Jersey (for himself and Mr. CASE) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway

system, for the imposition of airport and airway user charges, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS—AMENDMENTS

AMENDMENT NO. 514

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 515

Mr. MONDALE. Mr. President, I am submitting an amendment to S. 2548, which is now pending before the Senate.

The purpose of this amendment is to improve the special food service program for children.

BACKGROUND

Late in the fall of 1968, the Department of Agriculture, acting under the authority of section 13 of the National School Lunch Act, inaugurated a special food service program designed to improve the nutritional status of preschool and school-age children on a year-round basis. The program provided Federal funds to States to reimburse institutions such as day care centers, settlement houses, recreation centers, summer day camps, and school-based summer recreation programs serving children from poverty areas for the cost of food involved in providing breakfast and/or lunch and/or snacks. States could also use up to one-fourth of their allotments to finance the purchase or rental of food service equipment at a $3 Federal to $1 local matching rate.

Congress appropriated $10 million for the program in fiscal year 1969, but only $687,000 was actually spent, or less than 7 percent of the available funds; $2.5 million more was salvaged and carried over for use during the summer months of 1969. Similarly, of the $15 million appropriated for fiscal year 1970, including $5 million specifically added by the Senate, only $9.675 million is expected to be expended by June 30, 1970, leaving over 33 percent untapped.

This failure to exhaust available resources in order to fulfill program goals should be viewed against the background of the need for nonschool food service in the United States. There are 5 million preschool children whose mothers work full or part time, 3 million of whom come from low-income families. Only 560,000 of all preschool age children attend licensed or approved public, voluntary, or independent day care centers or family day care homes. Another 8.3 million children of school age have working mothers, with over 1 million of them having access to summer recreation programs.

A total of 13.3 million children thus require institutional care in order to obtain daytime food service during all or part of the calendar year. The Department purported to serve only 312,000 from the entire 13.3 million in fiscal year 1969 and, even then, the data do not reflect the frequency or quality of the food service available to each. Presumably many received nothing more than a half pint of milk on a handful of days or less, because the Department's count of 24,659,000 "meals" served costs out to a 2.8-cent reimbursement rate for each "meal" in light of the actual funds paid out.

The need and the gap between it and performance are undeniable. Substantial expansion of day care facilities is essential to meaningful child development. That expansion depends, in part, upon the assurance of adequate Federal aid for food service. The recommendations contained in the evaluation of the special food service program by the Senate Select Committee on Nutrition and Human Needs suggest administrative and legislative reforms needed to improve that program and make sure that it extends to as many needy children and children with working mothers—poor or not—as possible.

INSTITUTIONAL COVERAGE

The select committee's evaluation attributed the limited scope of the program not to the lack of service institutions requiring help, but to the indifference of Department of Agriculture personnel responsible for its implementation and their neglect to engage in meaningful outreach activities or otherwise broadcast the program's availability to its vast potential market. The program will never succeed until the Department conscientiously seeks to promote it and contacts and recontacts all eligible institutions.

In addition, the committee found that the Department's restrictive interpretation of the "nonprofit" requirement had artificially limited the class of eligible institutions by excludng any center neither wealthy nor expert enough to acqure tax-exempt status under the complex regulations of the Internal Revenue Service.

This certification test is unnecessarily stringent. The profitmaking character of the institution is essentially irrelevant to the goal of feeding children. Many day care centers that take care of children from needy families charge fees that enable them to make marginal profits. Cutting them off entirely from Federal assistance for food service is no benefit to the needy and only assures higher fees that may exclude the neediest. If an institution can feed children who are not able to eat at home, it should not be denied Federal assistance intended to overcome both the barriers of poverty and the unavailable parent.

This program is, of course, meant to assure that it is the children who are fed rather than the coffers of the institution. Accordingly, while the institution itself may be run for profit, its food service component must not be. Every Federal penny should be translated into a food benefit for the children. Attestation to that fact should be a prerequisite to the receipt of Federal funds.

Extension of the program's coverage to all private agencies could well prompt some of them to reduce the fees charged children from low income households in light of the Federal feeding input and should assure better, more nutritious food service for all. Finally, it would permit participation by many small neighborhood centers in inner-city areas that are now arbitrarily disqualified.

The proposed amendments to section 13(a) of the National School Lunch Act would further revise the program's coverage by redefining the class of recipients in terms of agencies or organizations rather than physical locations. Public or private agencies or organizations would qualify for aid by furnishing nonprofit food service, even if no other substantial caretaking service were provided. The agencies or organizations would still have to comply with appropriate State and local licensing, health, and sanitation standards.

In addition, the ambiguous division of jurisdiction between HEW and USDA on the provision of feeding funds for nonpublic school system-administered Headstart programs would be clarified by specifically authorizing USDA food service aid for such programs.

REIMBURSEMENT LEVELS

The inclusion of profitmaking agencies running nonprofit food service will substantially increase the program's coverage, as should more vigorous outreach by the Department. Equal expansionary impetus should flow from reductions in the local matching effort compelled by law. Many of the institutions that the Department has contacted in the past have been unwilling to become involved either because of their lack or inadequacy of equipment coupled with their inability to raise the requisite 25 percent of the cost of renting or purchasing such equipment, or because their restricted budgets prevented them from paying for the labor needed to serve the meals. The select committee's study identified this as a major problem.

The proposed amendments to section 14(c) of the National School Lunch Act would enable a State or the Department of Agriculture, in those 21 States that do not themselves administer the program, to pay for all—or less than all—of a particular organization's food service costs if that organization needed such a high level of support to meet its obligation to serve free meals to children from families with incomes less than $4,000 a year. Ghetto day-care centers or summer recreation programs, for example, might well have such a need for complete reimbursement.

It is expected that the flexibility in cost sharing would encourage the Secretary to develop objective standards for the States and the Department to apply in setting the percentage level of reimbursement for a particular program. This would avoid repetition of what the committee found occurred in the summer of 1969, when Detroit's school system received 80 percent of operating costs while Atlanta's poverty program, paid for food alone, was forced to serve plain peanut butter sandwiches to the children. This authority to pay all or part of operating costs, including labor, would parallel the reimbursement available in the lunch and breakfast programs under the coalition amendment offered by members of the Select Committee on Nutrition and Human Needs.

The amendment would also permit a

State or the Department to waive any requirement for matching equipment expense. This would presumably be done if an organization would otherwise be unable to institute or expand its food operation to fulfill the demands of the population it serves. This waiver would not apply to the regular lunch or breakfast programs in schools during the school year, since capital expenditures are traditionally considered to be, at least in part, the responsibility of a local public school system. But many public and all private organizations have no bond-issuing authority or other ability to raise the sums involved in capital outlay. The amendment to section 13(c) would help them over this hurdle.

AUTHORIZATION

With the broadened coverage and the new, increased authority to reimburse organizations for all food service program expenditures, the Federal outlay for special food service should expand, for the first time, to meet the level of appropriations, and hopefully well beyond, toward the level of need for such food service. The law expires at the end of fiscal year 1971, with a $32-million price tag for that year. The amendments would extend section 13 for 2 more years, like the rest of the school lunch program and raise its authorization level 50 percent from fiscal year 1971 to fiscal year 1972—$32 million to $48 million—and another one-third in the following year—to $64 million, or double the 1971 level. Even this would not suffice to furnish food to the entire potential clientele of programs such as Headstart or day care.

APPORTIONMENT FORMULA

Section 13(b)(2) would revamp the apportionment formula to comport with the changes in the formula adopted for distributing special assistance and breakfast funds. The poverty of the children to be reached would continue to be the criterion, but the $4,000 annual income figure—or its equivalent for households of size other than four—would replace the present $3,000 test.

ELIGIBILITY FOR FREE MEALS

The Talmadge bill and the coalition amendments combined would revise the eligibility test contained in section 13(f) to enable children from households satisfying the $4,000 income level to obtain free meals.

Mr. President, I ask unanimous consent that the summary of the evaluation of the special food service program for children by the Senate Select Committee on Nutrition and Human Needs be printed in the RECORD at this point.

Mr. President, I also ask unanimous consent that the text of this amendment be printed in the RECORD following these remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and summary will be printed in the RECORD.

The amendment (No. 515) is as follows:

AMENDMENT NO. 515

On page 26, line 22, insert the following and renumber section 9 as section 10:

"SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

"SEC. 9. Section 13 of the National School Lunch Act is amended by striking subsections (a), (b) and (c) and inserting in lieu thereof the following:

"'SEC. 13. (a) There is hereby authorized to be appropriated $32,000,000 for the fiscal year ending June 30, 1971, $48,000,000 for the fiscal year ending June 30, 1972, and $64,000,000 for the fiscal year ending June 30, 1973 to enable the Secretary to provide financial assistance to States to assure nonschool age children from low-income families and from households with working mothers access to nutritious meals served by service organizations and school age children from such families and households access to nutritious meals during the summer. For purposes of this section, the term "service organizations" means public or private agencies or organizations which provide nonprofit food service to such children, including handicapped children, in such settings as day-care centers, non-public school Headstart centers, settlement houses, recreation centers, churches, and schools during the summer recess.

"'(b)(1) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"'(2) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"'(c)(1) Funds paid to any State under this section shall be disbursed by the State educational agency to service organizations, selected by it on a non-discriminatory basis, to assist such organizations in financing all or part of the operating costs of the food service offered eligible children by such organizations, including the cost of obtaining, preparing, and serving food. The amount of funds that each service organization shall from time to time receive shall be based on the need of the service organization for assistance in meeting the requirements of subsection (f) concerning the service of meals to children unable to pay the full cost of such meals.

"'(2) Not to exceed 25 per centum of the funds paid to any State may be used by the State to assist service organizations in financing all or part of the cost of the purchase or rental of equipment, other than land and buildings, for the storage, preparation, transportation, and serving of food to enable the service organizations to establish or expand food service under this section.'"

The summary, presented by Mr. MONDALE, is as follows:

SUMMARY: SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

The six special child food service programs that were evaluated were in Washington, D.C., Detroit, Atlanta, Norfolk, Va., Jefferson County, Ark., and Cameron County, Tex. In three of these—Washington, Atlanta and Detroit—the program was used to increase the effectiveness of summer recreation programs, reaching an estimated 80,000 children. For the most part, however, the reports show that communities regard the special child food service programs as strictly to be used for day-care operations. These day-care operations, moreover, were usually established institutions which had the expertise and manpower to take advantage of this sort of a program.

Outreach in every community that was evaluated was limited, program administrators, school officials, and USDA personnel relied on mailings to eligible institutions in their areas and accepted the results of the returns. This resulted, particularly in inner city areas, in an exclusion of small neighborhood day-care centers which might not qualify for a State license or have the legal expertise to acquire a nonprofit rating. Yet these are the centers that are most in need.

Recommendation: The criteria for participation in the program should be changed to permit smaller, less well-established day-care centers to take advantage of its benefits. Special efforts should be made to contact and assist these centers in applying for and participating in the program. The country needs more day-care centers and this program could assist in their development.

Those cities that used the program for feeding participants in summer recreation programs did so amidst administrative confusion and chaos. USDA did very little in the way of informing communities about the vast potential of the program in this area. It was a "hurry up and get started" operation.

For example, the District of Columbia government announced in mid-April that it would use the child food program to feed some 100,000 youngsters in its summer recreation program. This estimate was quickly reduced to 50,000 because it was discovered that there had been considerable overlap in formulating the original estimate. In addition, the program as finally managed fed only youngsters enrolled in programs recognized by the Mayor's Youth Unit. The feeding statistics also included some 3,000 Headstart youngsters.

In those communities where the special child food program was found to be working fairly well, better and more balanced meals were being served, and enrollments increased in the centers. Center administrators were lavish in their praise of the program, reserving most of their criticism for the paperwork required. Recordkeeping in this program constitutes a burden for many of the institutions enrolled. The forms to be filed for reimbursement claims are cumbersome, wordy, and in some instances unclear. Since several of the communities provided no help to the centers on how to prepare the forms, it became a hit or miss operation for the centers. A "miss" generally meant doing the papers over several times and waiting about 3 months for the reimbursed funds.

Recommendation: Every effort should be made to simplify the procedures in this program. Reimbursement forms should be streamlined. Instructions on all forms should be clarified.

(2) The nonfood assistance under the program only provides 75 percent of the cost of equipment. The program will not pay for renovations or equipment which when installed become part of a building. This means that some centers are unable to take ad-

vantage of the program because they cannot even afford the 25 percent which they must contribute to get a complete, finished kitchen. Also, the provisions of 80 percent of operating costs for institutions which have a severe need is not being disclosed to many institutions that could qualify for it.

Recommendation: USDA should pay, when necessary, 100 percent of equipment costs to enable the poorest centers to take part in the program. It should also make widely known its willingness to pay up to 80 percent of operating costs in cases of "severe need." It should establish definite criteria for "severe need."

One serious concern, pointed out dramatically in Norfolk, was a lack of coordination and communication with regard to the program between USDA and the Office of Economic Opportunity (OEO). USDA regulations on the program provide that Headstart centers are eligible for the program if they are not part of a public school operation. This hasn't been made clear to the communities or to regional staffs of both OEO and USDA. As a result, 400 children were dropped from the Norfolk Headstart program because of a reduction in OEO funds through the local community action program.

Recommendation: USDA should immediately inform the Department of Health, Education, and Welfare, which has assumed responsibility for Headstart, that programs which are not being operated by public school systems are eligible for assistance under the special food service program.

PISCATAWAY NATIONAL PARK, MD.

Mr. ANDERSON. Mr. President, as the Nation observes the birthdate of the Father of our country, I should like to recall the date of October 4, 1961, when President John F. Kennedy signed Public Law 87–362. This act provided the vehicle for establishing Piscataway National Park and, more important, enhanced the ability of the Federal Government to protect the view from Mount Vernon, the revered home of George Washington, the first President of the United States. I was privileged to be the chairman of the Committee on Interior and Insular Affairs at the time this law was passed.

Typical of so many urban or near urban parks, it was not until February 22, 1968, that sufficient land and rights to land had been acquired that the President could declare the Piscataway Park a reality. It would be inappropriate for me to suggest that only my efforts accomplished this important legislative achievement. The chairman of the Subcommittee on National Parks and Recreation, the Senator from Nevada (Mr. BIBLE), and the present chairman of the full Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), performed great service in this important and necessary preservation. Also, the chairman of the House Committee on Interior and Insular Affairs, Mr. ASPINALL, and the ranking minority member, Mr. SAYLOR, labored long and diligently to create a park that would preserve the view from George Washington's veranda similar to that which the first President enjoyed so much.

As is always the case of great events, one is sure to leave unmentioned the effective efforts of some who worked with patience and ability. However, it would be impossible to forget the persistent and effective labors of the Honorable Frances Bolton, former Representative from Ohio and vice regent of Mount Vernon. To all who worked so tirelessly for the creation of a park and the preservation of this area, I extend my sincere congratulations and my deep gratitude. This action was a special achievement toward the saving of a significant part of American history for generations of Americans yet to come. I am proud that I had an opportunity to participate in it, especially as we honor today the memory of our first President.

FIRST NIXON ADMINISTRATION DEFENSE BUDGET

Mr. SCOTT. Mr. President, on Friday, February 20, the Secretary of Defense, Melvin R. Laird, presented the first defense program and budget prepared entirely by the Nixon administration to a joint session of the Senate Armed Services Committee and the Senate Subcommittee on Department of Defense Appropriations. The Secretary said that this "rock-bottom" budget is aimed at moving the national security policies of the 1960's to the goals appropriate for the 1970's.

The President of the United States, in his recent report on foreign policy outlined the goals for the future as partnership, strength, and a willingness to negotiate for peace. The Secretary's budget, as the first in many years that is smaller than the budget for social expenditures, displays a sincere desire to live up to those aims.

When he assumed office, Melvin Laird expressed the hope that the judgment of the Nixon administration would be based on its success or failure to achieve and maintain peace.

I commend Secretary Laird's statement to the attention of the Senate. It is a most broad-based and informative document on defense planning for the fiscal year 1971 of the Nixon administration.

DEATH WARRANT FOR THE CALIFORNIA ZEPHYR

Mr. MOSS. Mr. President, this morning's Washington Post carries an editorial entitled "R.I.P., California Zephyr." I ask unanimous consent that it be printed at this point in the RECORD.

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

R.I.P., CALIFORNIA ZEPHYR

Now that the California Zephyr is about to become a fond memory, perhaps the administration and Congress will get down to work on the problem of what to do about passenger trains. There is not much life left in long-distance passenger service and perhaps that service ought to die on the grounds it is no longer needed and is an uneconomic use of resources. But it ought not to be allowed to die by default; there should be a national policy—one way or the other, a policy either of abolishing non-commuter passenger trains except in one or two heavily populated corridors or of saving this means of transportation as one of the alternatives to the automobile.

The death warrant for the California Zephyr, signed last week by the Interstate Commerce Commission, is symbolic of what has happened to the passenger trains. The Zephyr went on the rails in 1949 to compete with the City of San Francisco for traffic between Chicago and San Francisco. The Zephyr had the scenic route, the City of San Francisco, which had gone into service in 1936 and switched from a three day a week to a daily schedule in 1947, had the faster route. They were joined in 1954 on the long run to the Coast by the Santa Fe's Chief. Now, the Zephyr has been killed west of Salt Lake City and cut to three days a week west of Denver. The City of San Francisco is going back to a three-day-a-week schedule west of Salt Lake City and the Santa Fe hopes to abolish the Chief soon.

The direct cause of the deaths of these trains, and dozens of others around the nation, is economic; they lost money heavily. The indirect causes are, perhaps in this order: automobiles, airplanes, bad management, and outdated labor rules. Unless the federal government acts, those causes are going to lead to the end of non-commuter passenger service, except in the East Coast corridor and perhaps in a similar Midwestern corridor, within a few years. We think that this should not be allowed to happen until after a substantial effort has been made to save the trains; it makes no sense for the country to be discarding a basic means of transportation because of its current love of automobiles and airplanes at a time when substantial overcrowding of both highways and skyways is easily foreseeable.

What is needed are revolutionary changes in the railroad passenger business—changes that provide a mechanism through which new equipment, better schedules, new management, new labor contracts, and new reservation systems can be injected into one of the most old-fashioned businesses in existence. The Railpax plan put forward by the Department of Transportation has run into heavy criticism at the ICC largely because it isn't revolutionary enough. If inter-city passenger trains are to survive, more will be required than just $100 million of federal money and a device that lets current railroad management largely determine the fate of the trains.

Maybe this administration and this Congress aren't bold enough to take the drastic steps that are needed. Or maybe they think these steps will cost more than saving the passenger trains will be worth. Nevertheless, the railroads and the public are entitled to know what national policy is going to be. The death of each crack train, like the California Zephyr, speeds the day when the next one will die and before long there will be nothing to save. We were saddened to see the Zephyr go under, although we cannot blame the railroads for asking that it be discontinued or the ICC for granting their requests. But we do hope that its death will spur the kind of action that the deaths of other great trains leading up to it—the Twentieth Century Limited and the Royal Blue, for example—never did.

Mr. MOSS. Mr. President, the death warrant for the California Zephyr signed last week is indeed symbolic of what has happened to passenger trains. The Zephyr, running from Salt Lake City to Oakland, has been one of the most spectacular and desirable passenger runs in the United States. A few years ago I received a letter from a person who seriously suggested that the Federal Government acquire the California Zephyr and its right-of-way and convert it to a national park. That citizen believed that the spectacular beauty of the run and the pleasure and recreation of making that trip to California was one that should be preserved for all of our citizens of future years. But now the Zephyr is to die, as have so many of our trains in this country.

In the last session of Congress, and

again in this session, I have joined with Representative JOHN MOSS in submitting a resolution to suspend the discontinuance of trains for 1 year while an overall study is made of the transportation requirements of this country in future years. This would include all kinds of transportation—surface as well as air and water. With our population continuing to grow and our demands for alternate means of transportation increasing, it appears to me to be foolhardy to discontinue the California Zephyr and other trains of this sort while we pursue the inevitable course of discontinuance without any knowledge or plan of the ultimate outcome is a strange phenomenon.

DEATH OF JOHN M. BAER, OF NORTH DAKOTA

Mr. YOUNG of North Dakota. Mr. President, I was saddened last week by the passing of John M. Baer, a very talented and highly respected former Member of Congress, journalist, cartoonist, and political figure.

John Baer was a lovable and kindly person, one who was a prominent figure during the political upheaval that resulted mainly from low farm prices and the exploitation of farmers during the years just prior to and after 1920. The movement resulting from this upheaval became known as the Nonpartisan League. The NPL became a power that remained a major factor in North Dakota politics for more than 40 years. John Baer was the first of several Members of Congress to be elected in North Dakota as a result of this movement.

Mr. President, John Baer distinguished himself as one of the great cartoonists of the Nation. He devoted most of his cartoons to subject matter affecting labor, farmers, and all those he felt were needy and deserving people.

I became a very close friend of his years ago, and during all the years since I came to the Senate in 1945, I always enjoyed having visits with him. One especially fond remembrance of him is what he did to help a granddaughter of mine, the former Charmayne Young, who was also very much interested in cartoon work. In fact, it was he who gave her much help and advice, and sent her material which led to her becoming quite an accomplished cartoonist.

Mr. President, I ask unanimous consent that articles about John Baer published in the Washington Post and the Washington Evening Star, be printed in the RECORD.

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

[From the Washington Post, Feb. 23, 1970]

CARTOONIST JOHN BAER, 83, DIES, COINED FDR'S "NEW DEAL" SLOGAN

(By David Vienna)

John M. Baer, 83, whose 1931 "New Deal" cartoon is credited by many as the source of Franklin D. Roosevelt's slogan in the 1932 presidential campaign, died Wednesday at Sibley Memorial Hospital after a brief illness.

Mr. Baer's cartoons for a Fargo, N.D., liberal farm publication resulted in his election to two terms in the House of Representatives.

"I was drafted. No one had ever seen me," Mr. Baer once said, "but they had seen my cartoons."

While a member of Congress, he kept turning out cartoons that appeared in the Hearst newspapers.

"I caricatured my way into Congress and then I cartooned my way out," Mr. Baer once said.

He was defeated for reelection in 1920. He then joined Labor, a newspaper for transportation industry workers. He worked for the publication until his death.

Mr. Baer's "New Deal" phrase first appeared in cartoons he did in the 1920's urging social reforms. He pulled out the phrase again in a cartoon published in January, 1931, in Labor.

The slogan next turned up on July 2, 1932, when Franklin D. Roosevelt, then governor of New York said, in accepting the Democratic nomination for President, "I pledge you, I pledge myself, to a new deal for the American people."

Mr. Baer was a lifelong, liberal. He was a former leader of the old Nonpartisan League, a militant farmer-labor alliance in the Midwest.

In a recent interview in which he was asked about politics, he said "I don't give a whoop for either party." He said, "There are only about 10 liberals in Congress today," and he said he wouldn't give 10 cents for the rest.

When in Congress, Mr. Baer introduced a bill for World War I veterans that resulted in the distribution of $100 million in bonus benefits.

In addition to being a cartoonist and congressman, he also was a journalist and designer.

Mr. Baer wrote a column syndicated by the International Labor News Service.

He also designed the first emblem of the United Nations, the seal of the AFL–CIO and the seal of Pan American Airways.

Mr. Baer, a native of Black Creek, Wisc., lived in the Washington area for more than 50 years.

He is survived by his wife, Estelle, of the home, 3809 East-West Hwy., Chevy Chase, and three sons, John Jr., of Baltimore, Bryan, of Kensington, and Albert, of Chevy Chase.

[From the Washington Star, Feb. 20, 1970]

JOHN BAER, CARTOONIST, EX-CONGRESSMAN, DIES

John M. Baer, 83, the dean of labor cartoonists and a former congressman from North Dakota, died Wednesday in Sibley Memorial Hospital after a stroke. He lived at 3809 East-West Highway, Chevy Chase.

Born in Black Creek, Wis., he graduated in 1909 from Lawrence University, where he was editor of both the campus newspaper and yearbook and was student president for three years.

He was engaged in civil engineering and agriculture until 1915 and during that time drew cartoons and wrote articles for two newspapers, while also serving as postmaster of Beach, N.D.

ELECTED IN 1917

A lifelong liberal, Mr. Baer was the first Nonpartisan Leaguer elected to Congress, winning a special election in 1917. He was re-elected as a Republican the next year, but was defeated for a second full-term. He then resumed his activities as a cartoonist and journalist and since then had lived in the Washington area.

He was a cartoonist with the "Labor" magazine publication of the Railroad Brotherhoods, since its founding more than 50 years ago. He also wrote a column syndicated by the International Labor News Service in the 1920s.

As a congressman, Mr. Baer introduced and won passage of the first World War I soldiers bonus bill, which resulted in distribution of more than $100 million to discharged servicemen.

He also designed the first emblem adopted by the United Nations, the official seal of the AFL–CIO and the Pan American Airways seal on which the firm's name first was shortened to Pan Am. He also designed the first cover for the Cream of Wheat cereal.

Another newspaper feature, "The Diary of a New Senator," was written by Mr. Baer. He also wrote "The Nashnul Situation" under the name of Hiram A. Rube.

GENERAL MITCHELL USED CARTOON

One of Mr. Baer's cartoons—showing the Army and Navy as two bulldogs pulling on two ribbons of "red tape" held by a flying eagle symbolizing aircraft—was distributed by the millions of copies by Gen. Billy Mitchell, which developed into a charge in the general's court-martial.

For about 60 years Mr. Baer designed his own Christmas cards, using bears on them.

Last year, in an interview with the Grand Forks Herald, Mr. Baer said that he had always been an independent. "I don't give a whoop for either party," he said, adding: "There are only about 10 liberals in Congress today. . . . The rest, I wouldn't give 10 cents for 'em."

Hubert Humphrey, he said, "wouldn't be anybody without the Farmer Labor Party, which was a direct descendant of the (Nonpartisan) League."

He leaves his wife, Estelle; three sons, John M., of Baltimore; Alfred, at home, and Byron, of Kensington, and five grandchildren.

Services are to be at 9:30 a.m. tomorrow at Joseph Gawler's Sons Funeral Home 5130 Wisconsin Ave. NW, with burial in Gate of Heaven Cemetery.

DEFENSE SPENDING AND NATIONAL PRIORITIES

Mr. MONDALE. Mr. President, it is quite obvious that the monumental issue of defense spending and national priorities is still squarely before us. Although some cuts have been made in the Defense budget, it is becoming quite clear that the long awaited peace dividend is already beginning to get eaten up by wasteful, probably ineffective, and very likely dangerous weapons systems such as ABM, MIRV, and others.

The question of national priorities and Pentagon waste is not simply a question of choosing between domestic programs and Pentagon programs; there is also a serious question of how our country may be best defended by allocating whatever funds do go to the Pentagon among various alternative uses. The question, then, is equally as much as one of the "quality" of our Defense spending as it is of the "quantity" of our Defense spending.

The Minneapolis Tribune recently published an editorial on the matter which, I think, is a concise and perceptive statement of this crucial issue. 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:

[From the Minneapolis (Minn.) Tribune, Feb. 4, 1970]

THE QUANTITY AND QUALITY OF SECURITY

Rightly, President Nixon is calling attention to his success in holding the line on defense spending in the current fiscal year and his budget for fiscal 1971, which calls for a $5.3-billion drop in military outlays. The pressure on the Pentagon is evident. Not only are defense costs intrinsically greater now than ever before, because of inflation and more elaborate weapons systems; but the

bulk of war costs in Vietnam is still present, and a limitation of strategic arms by mutual agreement with Soviets is only a hope for the future.

The administration's proposed defense budget for 1971 is therefore particularly impressive in quantitative terms: a significant decrease from the prior year, and the smallest percentage of total federal budget and gross national product in two decades. But quantity is only one dimension; the other is quality. More precisely, how should available defense dollars be used to further national security?

A first point is that there is not necessarily a correlation between quantity and quality of defense. Mr. Nixon has recognized that by shrinking the size of the armed forces. Reductions in military manpower do not, in our opinion, sacrifice national security, and the fact that most of the manpower cutback will come from Vietnam troop withdrawals strengthens that conclusion. We find it hard to argue that the long involvement in Vietnam has enhanced the security of the United States.

Second, and more widely debatable, is the question of where the emphasis on defense spending ought to be placed. The Nixon administration has chosen to expand the nation's nuclear weapons programs—multiple-warhead missiles for both land-based Minutemen sites and Polaris submarines, and more funds for an enlarged missile-defense system. "Until negotiations are successful," the President said, "we need a full range of new strategic programs to maintain our deterrent in the face of an evolving threat."

That sounds all too reminiscent of the massive retaliation policy put forward in the 1950s by the administration in which Mr. Nixon was Vice-President. The quality of national security is less likely to be improved by a "full range of new strategic programs" than by a clear action to improve the climate for strategic negotiations when they resume in April. Such an action, we suggest, would be to stop the ABM at Phase I rather than proceeding with Phase II as the President now proposes.

PROPOSED REFORM OF COMMITTEE CHAIRMANSHIP SYSTEM

Mr. MATHIAS. Mr. President, my colleague from Maryland in the other body, Representative GILBERT GUDE, has proposed legislation to reform the practice of awarding committee chairmanships to the committee member with the longest service. The bill has a number of Republican and Democratic cosponsors, which indicates the bipartisan nature of Representative GUDE's attempt to resolve this dilemma.

My hometown newspaper, the Frederick Post, in a recent editorial which commended his actions, took note of Representative GUDE's efforts to reform the seniority system. 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:

[From the Frederick, Md., Post]

GOOD GOING, GILBERT GUDE!

While it is unlikely to bring any immediate reforms, we heartily endorse the plain-speaking attack of Congressman Gilbert Gude of Montgomery County on the seniority system under which chairman of legislative committees obtain their offices.

He labeled the present method of selecting chairman as a "miserable decrepit procedure" and urged widespread reform in a recent address to the American Society for Public Administration.

"The best efforts of the people and the President will not succeed unless Congress enters the 20th century before the 21st rolls around," the Montgomery County Republican said.

He pointed out that under the present seniority system that the chairmanship automatically goes to the member with the longest service regardless of his capabilities for the position.

He added that seniority generally accumulates in the safe districts where either a Republican or Democrat is so entrenched that under the single party system he cannot be dislodged.

That is why the majority of the committee chairmanships in Congress come from the Deep South.

"A chairman can bog down a good bill if he doesn't personally want it to reach the floor regardless of the opinions of his colleagues," Mr. Gude told the group.

He suggested as alternatives either appointment of the chairman of each committee by the Speaker or his election by his colleagues.

DEATH OF JOHN BAER, OF NORTH DAKOTA

Mr. BURDICK. Mr. President, I invite the attention of the Senate to the passing of John Baer, a man who lived a life devoted to the idea that the pen is mightier than the sword.

A North Dakotan in his upbringing, this man once served as a Member of the House of Representatives. He will be remembered for his talent as a cartoonist in awakening the conscience of this Nation to its needs.

It is appropriate that the Senate take note of his accomplishments as recalled in an article published in the Grand Forks Herald and written 5 months ago by Mr. Jack Hagerty. 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:

WASHINGTON.—Fifty-two years ago he was the nation's youngest congressman, an unknown cartoonist from North Dakota.

Today, virtually unknown in the state that sent him to Congress, he still is a cartoonist working 30 hours a week and helping to elect men he considers liberals to Congress.

Most of those in North Dakota who recognize the name John Baer probably think he has long been dead. But readers by the thousands of "Labor," a publication for which he has worked nearly half a century, watch for his cartoons regularly. At 83 he's still producing them every week.

Baer was the first Nonpartisan Leaguer elected to Congress. He won election as an independent in a special election in 1917, following the death of Rep. Henry I. Helgesen. He was re-elected as a Republican in 1918, but was defeated in the Harding landslide of 1920 by the late O. B. Burtness of Grand Forks.

That race as a Republican is something he quickly now explains as a "necessity." The Nonpartisan League filed its candidates in the Republican primary and when he won the nomination he nominally became a Republican.

But he insists he always has really been an independent.

"I don't give a whoop for either party," he says.

And he doesn't think much of most of the politicians in either party today.

"There are only about 10 liberals in Congress today," he explains: "The rest, I wouldn't give 10 cents for 'em."

Baer still thinks the League and its offshoots were major contributions to the political arena.

Baer comes by his liberalism honestly. He was the son of the Civil War times major who, according to Baer, exposed the contaminated food sold to the Army in 1898.

Baer recalls that as a boy of 12, he accompanied his father to Washington and was left in a hotel cafe while his father went to the War Department to tell officials of the old and rotting food which was being furnished to soldiers. His father was denied entrance to the office of the Secretary of War to make his complaint and broke into the office. He was arrested and Baer recalls a policeman coming to the hotel to get him.

When the boy asked where his father was, he was told "in jail."

Despite the arrest, Baer says his father's exposure of the sale of spoiled food to the Army led to better conditions in the future. By World War I, he said, no such food was served to the soldiers.

Baer was born March 29, 1886, at Black Creek, Wis. He attended Lawrence University, where he served as editor of both the campus newspaper and the annual. He was student president three years and graduated in 1909.

Even then, he foresaw today's campus unrest, he says. The students were brainwashed by "big business" he claims and weren't smart enough to realize it.

"The trouble on the campuses now comes from the fact that young people finally are catching on," says the 83-year-old liberal.

A year after his graduation, Baer married a North Dakota girl and began working on the farm of his father-in-law, J. R. Smith of Beach, known then as the "flax king of North Dakota." Smith was his wife's stepfather. Baer likes to recall now. Her real father was John F. (for Francis) Kennedy—no relation to the later president as far as Baer can determine.

In 1913 Baer was appointed postmaster of Beach, a job he held for three years. All the while he was drawing and selling cartoons, an avocation he began when he was 12. By 1916 he was making more from sale of cartoons than as postmaster, and moved to Fargo to take a full-time job with a Nonpartisan League newspaper, the Courier-News.

It was from this editorial vantage that he was drafted to run for Congress after the death of Helgesen.

Baer already had coined the slogan of the fledgling Nonpartisan League—"We'll Stick—and We'll Win." That was his cartoon answer to those who contended that "farmers won't stick together."

It was only one of the political catchwords attributed to Baer. He drew a card-playing cartoon in 1931 which contributed the phrase "New Deal" to the political language. He sent a copy of it to Franklin D. Roosevelt, who used the phrase in a campaign speech and again in his speech accepting the Democratic nomination for President.

Baer actually had used the phrase 18 years earlier, in a pamphlet entitled "A New Day and a New Deal in 1914."

While Baer's cartoons were widely known in North Dakota before he ran for Congress, he himself was not. But he plunged into the campaign and illustrated his speeches with "chalk talks." He won the election and was sworn in as a congressman in August, 1917.

He was only 31, the youngest member of Congress at the time.

He also was its first cartoonist member—and, he now says, "probably its last."

He continued to draw cartoons while serving in Congress, selling them to the Hearst Newspapers, Newspaper Enterprise Association, King Features and others. The cartoons continued his campaign against "big biz," his life-long enemy, and often showed Congress to be its tool. The cartoons aroused the enmity of their congressmen and, after his 1920 defeat, one writer commented that "he

cartooned himself into Congress and then he cartooned himself out."

"They were all with big business and still are," he said late in September, bridging the gap from 1920 to 1969.

His caricaturing of his colleagues got under their skins.

"Oh my!" he has said, "how mad it made some of 'em."

In one interview published by Central Press years ago, Baer was quoted as telling this story of his relations with his fellow congressmen:

"Returning to the capital after his second election, he chanced to meet a fellow representative whose identity (among 435 there are many whose acquaintance with one another is of the slightest) puzzled him for a moment. 'Though your name escapes me,' confessed the North Dakotan, 'your face is perfectly familiar.' 'I should think,' said the other 'that it would be, considering that one of your damn pictures of it beat me for re-election last month.' "

He never returned to North Dakota to live and never again ran for public office. He likes to recall, however, that some time after his defeat for re-election a delegation of about 18 Nonpartisan Leaguers called upon him and urged him to come back and run for governor of North Dakota.

He said he decided he was more cut out to be a cartoonist than to be a legislator or governor.

After his defeat in 1920, he joined the staff of "Labor," a newspaper of the national railroad unions. He has continued to draw cartoons for that publication ever since. but also has sold his work to many other publications, largely those of labor and farm organizations.

Along with his cartooning, Baer also continued active in liberal movements otherwise.

One story he likes to tell was his fight against a proposal to censor books in New York in the 1920's.

He tried to get Sen. William E. Borah of Idaho to accompany him to New York to make a speech at Cooper's Union against the proposal, but Borah "backed out." In desperation, Baer enlisted Sen. Magnus Johnson of Minnesota to take Borah's place and, on the train to New York, had Johnson read and re-read a speech Borah previously had given on the subject as it appeared in the Congressional Record.

When they arrived at the meeting hall, Baer recalls, Johnson did a creditable job of reading the Borah speech despite his heavy Scandinavian accent He got a favorable reaction at the end and then, unaccountably, blurted "Applesauce."

Baer later asked Johnson why he had added that final word Johnson pointed to the botton of the Borah text where, in tiny italic type, appeared the word "(Applause)."

The former congressman still works a fairly rigid schedule at his cartooning, partly at his Chevy Chase, Md., home and partly at his publication's office in the AFL–CIO Building in Washington, just across LaFayette Park from the White House.

Asked about his health at 83, he quips "I always say I'm loaded for bear."

Interviewers always ask him whether he still drives his own car.

"I always tell them I've driven more than half a million miles since 1898, when I drove my mother's Duryea electric 'horseless carriage,' " he says. "And I tell them I've never so much as scratched a fender. I tell my wife those things happened in the parking lot."

Baer and his wife will observe their 60th wedding anniversary in 1970. They have three sons, one an architect in Baltimore, one employed by the National Institutes of Health in Washington and the third a Land Developer.

Mr. BURDICK. Mr. President, there are many more things which could be said about John Baer, but I believe the following facts about him give us some outline of the contributions which he has made:

Former North Dakota Congressman John M. Baer once wrote a regular column under the above name, syndicated in the 1920s by the International Labor News Service.

For 58 years he has used bears on his Christmas Cards, but was turned down when he offered another cartoonist $1,000 for the right to use a bear symbol as an identifying mark in his cartoons.

He once received a letter, although it carried not a name, word or number of the envelope. The only address was a sketch of a bear at a drawing board, cartooning a laboring man, with the U.S. Capitol dome in the background. Mailed from Reseda, Ga., in April, 1967, it was delivered promptly.

Baer's mother was a first cousin of poet James Whitcomb Riley. Perhaps inheriting some of Riley's word magic, Baer wrote a parody on Casey Jones after Harry Truman's 1948 upset victory which was published in a Washington newspaper and sung at birthday parties for HST.

Baer introduced, and won passage of the first World War I soldier's bonus bill, which resulted in distributing of more than $100 million to discharged servicemen. He proposed a $365 bonus to each veteran at discharge, but the amount was reduced to $65.

Baer designed the first emblem adopted by the United Nations, the official seal of the AFL–CIO, the Pan American Airways seal which for the first time shortened that airline's name to "Pan Am", and the first cover for Cream of Wheat, the Grand Forks-born cereal.

A daily newspaper feature he once wrote "The Diary of a New Senator," had more than 12 million readers. He also wrote "The Nashnul Situation," under the pen-name Hiram A. Rube, which was widely circulated by farm publications and won compliments from Franklin D. Roosevelt, James Farley and others.

Baer has known every U.S. President since William McKinley, whom he met as a boy while visiting Washington with his parents.

Mr. President, the biographical material which has been cited gives an excellent account of his colorful life. No account, no matter how well written, could reveal the character of this good man, because you would have had to know him, and talk with him, to discover his deep feeling for what has been commonly called the underdog.

It was my good fortune to have known this man. Both of us came up through the same political process, having been members of the Nonpartisan League. We were good friends. In fact, at his home, right now, is a political cartoon he has drawn for me on his own as his contribution to my election campaign. I have lost a good friend, and the Nation has lost one who contributed much to his country both in and out of Congress.

OIL IMPORTS QUOTA SYSTEM

Mr. STEVENS. Mr. President, Robert O. Anderson, chairman of the board of the Atlantic Richfield Co., recently addressed the Oil Industry Day Conference of the New York Security Analysts on the environment in which the petroleum industry will be operating during this decade.

Mr. Anderson spoke in terms of demand and supply in 1970, 1975, and 1980, and where the production of my State of Alaska, Canadian production, foreign imports, and synthetics fit into our overall energy and economic picture.

His remarks were well taken, and I commend them to the attention of Senators.

I ask unanimous consent that they be printed in the RECORD.

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

OIL INDUSTRY CONFERENCE

(By Mr. R. O. Anderson)

Atlantic Richfield Company is delighted to participate in this program of the New York Security Analysts.

The Oil Industry Day Conference is an excellent idea and has been organized to provide an interesting representation of various facets of the industry.

When you consider the many uncertainties facing the industry, I suspect that most of us who are speaking here today would have preferred to do so on some other occasion—some future date when national energy policies have become sufficiently stable so that forecasts could be made with less hesitation.

From your standpoint, however, this is a good time for such a program. It gives you the opportunity to judge a company's prospects in light of those uncertainties—under your own set of assumptions as to what kind of climate the industry will operate in over the next several years.

With that thought in mind, I should like to offer some reflections of my own about the environment in which the industry will be operating during the 1970's. Mr. Bradshaw, President of Atlantic Richfield, will help you to assess the Company's outlook by reviewing its operations within that environment. As a start, let's look at projections of supply and demand.

The importance of the need for our nation to produce a substantial portion of its petroleum requirements domestically cannot be overemphasized. Seventy-five per cent of our total current energy needs are provided by petroleum. It not only powers our transport and heats our homes but it lights our cities, runs our factories and moves our armies. We cannot risk the economic security of our country's future by becoming too dependent on foreign sources which we have seen shut off by international conflicts in which we are only by-standers.

Next year—1970—oil product consumption in the United States is expected to be about 14.5 million barrels per day. Reasonable projections indicate that this consumption will rise to approximately 17 million barrels per day by 1975 and close to 20 million barrels per day by 1980.

With production peaking and in some cases declining in the states which have historically supplied our petroleum, we see an ever-wideninig gap between demand and domestic supply.

On the West Coast we can foresee a shortfall of 400,000 barrels a day next year. If this year's pattern were followed, about half of this would come from Canada and half from overseas.

Production from California and the Cook Inlet, the two major producing areas for the West Coast, is at or near its peak and should actually begin to decline in the near future. When the Trans-Alaska pipeline is completed, hopefully in mid-1972, we would expect a ready market for about 400,000 barrels a day of North Slope oil. This 400,000 barrel-a-day gap assumes Canadian imports to District V will continue at present levels, and all but about 50 thousand barrels per day of overseas imports will be backed out. Further, we are assuming that no California or Cook Inlet production is shut in. Subsequent to 1972, with production in California and Cook Inlet declining and crude oil demand on the West Coast increasing at about 4.4 per cent per year, we would expect the market for North Slope oil on the West Coast to grow at least 100,000 barrels per day per year and

reach one million to 1,200,000 barrels per day by 1980.

Turning now to the situation East of the Rockies in Districts I–IV, we expect product demand to grow from about 12.3 million barrels per day in 1970 to 16.5 million barrels per day in 1980. As most of you know, this total product demand is supplied from a variety of sources: U.S. crude production, crude imports from Canada, crude imports from overseas, and product imports from overseas. Production in the larger producing states, Texas and Louisiana is prorated and at the present time these states are not producing at capacity.

In developing forward policy for the United States, it is important to have a realistic understanding of the maximum potential productive capacity of Texas and Louisiana. While this type of estimate is difficult to make and there really isn't adequate information to justify precise forecasts, I believe oil production in Texas and Louisiana production cannot be increased more than one million barrels per day at the present time, if proration were abolished.

I suspect a number of people in government presently have too optimistic a view of the surplus productive capacity in Texas and Louisiana. I also believe they do not fully appreciate the likelihood that total U.S. production East of the Rockies will be declining at an annual rate of 300,000 barrels per day by 1980 unless attractive incentives are offered for encouraging the finding of new reserves.

If total demand in Districts I–IV increases at the three per cent, or about 300,000 barrels per day per year, and if total production in these states peaks out in 1972 or 1973 at about 8.5 million barrels per day as seems likely, there obviously is a big oil supply gap that will have to be filled by a combination of overseas imports, Canadian imports, and North Slope oil. In 1973, when we would hope to have facilities for bringing North Slope oil East of the Rockies, we would expect that gap to be 2,200,000 barrels per day and to increase to 5,800,000 barrels per day by 1980.

At this point in time, I don't think anyone can say just how much of the gap each of the three supply sources will fill. Obviously, the need is enormous and each supply source should obtain a reasonable share of the market. The foregoing rationale has been based on the assumption that tax and import policy questions currently being deliberated and debated by the government will result in a gradual liberalization of import quotas and modestly higher Federal Income Tax costs for the industry as a result of reducing the depletion allowance.

With respect to the depletion allowance, I believe there is a widespread misconception as to the relative benefit of the depletion allowance to the members of the petroleum industry and the consumers of oil products. Today major integrated companies produce more than one half of all the oil produced in the United States. Competition among the thirty or so companies that acocunt for this production has taken the form of very tight pricing of petroleum products with the result that the low tax costs obtained by the companies from using the depletion allowance have been passed along to the consumer in the form of lower product prices.

It would be hard to find a more competitive business than petroleum marketing. No one oil company dominates the market. Standard Oil of New Jersey, the largest company in the business, produces 8.9 per cent of U.S. production and sells 11. 3 per cent of petroleum products.

If the depletion allowance is some sort of loophole or windfall for petroleum companies, it would have to show up in the per cent earned on employed capital. Since petroleum company earnings are low by the standards of many other industries, obviously the American consumer has had to be the beneficiary. It follows, therefore, that if the depletion allowance is reduced and tax costs are increased, the higher cost of doing business will have to passed along to the consumer in the form of higher prices.

The depletion allowance today is admirably suited to the purpose for which it was intended. It has encouraged the finding of oil and, in the process, it has resulted in low, reasonable product prices for the consumer and it has not generated unreasonable profits for the petroleum companies.

With respect to the import quota system, I cannot over-emphasize the need for our nation to produce a substantial portion of its petroleum requirements domestically. We must assure the certainty of supply not just for national defense purposes but also to protect this country's economic security.

Seventy-five per cent of our total current energy needs are provided by petroleum and natural gas. They not only power our transport and heat our homes but they light our cities, run our factories, and move our armies.

Can we risk the economic security of our country's future by becoming too dependent on foreign sources? Keep in mind that these foreign sources are subject to wars, both external and civil; to expropriation and to confiscation when companies refuse to amend contracts to include unreasonable or uneconomic demands. Gentlemen, I am not raising possible spectors. All these actions have occurred within the last three to five years in countries which may participate in supplying crude oil to the United States, if total import restrictions are removed. The practical effect of the import quota system is that crude prices in the United States tend to stay at levels which encourage the exploration which is necessary to find new reserves. Adoption of any policy which turns the United States into a dumping ground for surplus foreign production obviously will decrease crude prices and equally obviously will eliminate the incentive for further crude exploration in the United States. Under these conditions, the oil industry would have no alternative but to sharply curtail crude exploration, converting existing operations to a liquidation basis and use the cash flow to diversify in other areas that are not subject to uneconomic regulation.

The East Coast of the U.S. already is heavily dependent upon foreign oil for much of its regular consumption. Today crude and product imports on the East Coast amount to 40 per cent of total demand. This amount could be greatly increased by 1980, if exploration were curtailed to a significant degree. Certainly interest in exploring in the Arctic regions would diminish significantly, if crude prices were reduced. The economic risk would be too great and large potential reserves would never be discovered, thereby hastening the day that the country would become dependent on foreign-source crude. Another negative effect of a crude price decrease is that the development of technology for converting shale, tar, and coal into oil would probably be eliminated because there is little likelihood of coming up with an economic process in a lower crude price structure.

Finally, with respect to prices, undoubtedly product prices would be lower at the outset, but in time they would rise as foreign taxes would increase and as the balance of economic power gravitated from the United States to the other countries on whom we were dependent for oil. In time, product prices in the U.S. would return to present levels, or perhaps even higher, as the U.S. lost its bargaining power.

Having reviewed with you the dangers of changing the environment surrounding the operation of the oil industry, I would like to state my belief that changes in national policy will be made by reasonable men and, therefore, I fully expect the changes to be reasonable. Thus, while we are sailing through a very stormy period, I believe that, as the facts are better understood, government policy will advocate only modest changes in both taxes and imports. In that case, the industry can expect a short period of adjustment followed by renewed growth through its efforts to meet the expanding energy needs of the 1970's.

This is the kind of future for which Atlantic Richfield is preparing. We believe that it will be a bright one for any company that is working toward crude oil self-sufficiency, a balance between North American and overseas reserves, greater efficiency in its products operations and sufficient financial strength to meet the greater capital needs of the years ahead.

ENVIRONMENTAL TEACH-IN

Mr. MONDALE. Mr. President, as the Nation moved into the 1970's, a new and frightening concern loomed large on the horizon—the degradation of our environment. The first national focusing on this problem will take place April 22, when an environmental teach-in will be held to begin the fight to restore the quality of our environment.

The problem has reached enormous proportions, with virtually every body of water in the United States polluted. One of our Great Lakes—Lake Erie—is, to all intents and purposes, already dead. Pollution of the others is going on at a rapid pace.

The last breath of perfectly clean air is reported to have been ingested in Flagstaff, Ariz., 6 years ago. The air in our cities is becoming increasingly laden with grit and noxious gases. The average person now breathes in 1.9 pounds of dirt each day.

To portray and dramatize the crisis, the Senator from Wisconsin (Mr. NELSON) has called for a national environmental educational effort. As a result, hundreds of campuses, high schools, and community groups have enthusiastically demonstrated their interest by organizing teach-ins. An article by Senator NELSON explaining the purposes of the teach-ins and the role libraries can play in them was published in the February issue of American Libraries, the internal magazine of the American Library Association.

I ask unanimous consent that the article be printed in the RECORD.

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

NATIONAL TEACH-IN ON THE CRISIS OF THE ENVIRONMENT

(By Senator GAYLORD NELSON)

The destruction of natural resources on this planet is going on at a fantastic rate. If we don't act now to correct the situation, the decade of the 70s will signal the end of man as a species.

Eminent scientists predict the death of our oceans as life-bearing bodies of water by the end of the decade. By 1980, also, we will be consuming each day the total water supply available in the United States, and will begin using and reusing water up to ten and twenty times a day. Clean air will be equally scarce. Deaths from cardiac arrests and respiratory illnesses will rise alarmingly on days when the wind takes a holiday and fails to chase the smog from the cities.

And then there is noise pollution. Psychiatrists tell us that noise is becoming increasingly suspect as a cause of neuroses. Geneticists are investigating the possibility that the noise from sonic booms is causing irreparable mutations in human and animal

populations. The quality of life in our overcrowded, under-financed cities is reaching crisis proportions.

It is clearly time to act to improve our environment. It is clearly time to start working toward gross national quality, as well as gross national quantity. Toward this end, a national Environmental Teach-In will be held April 22, which will cut across the generation gap and political party lines.

The objective of the Teach-In is to mobilize the constructive energies of American youth in a massive effort to halt the polluting and ransacking of our environment.

The Teach-Ins will be shaped campus by campus by student initiative, and may take the form of symposiums, convocations, panel discussions, or a combination of these. They will vary with the university and the section of the country in which they are located. For instance, students at the University of California might want to discuss recent oil spills off the coast of their state; students at the University of Wisconsin might focus on the pollution crisis facing the Great Lakes; and students at Columbia University might well be most alarmed about the rapidly decreasing quality of life in major American cities. A national office in Washington serves as a communications and service center, and as an organizational stimulus for individual campus Teach-Ins.

The Teach-Ins, already being planned at one hundred and fifty campuses, will map out steps to protect our environment. They will present information, draw the issues, stimulate plans for action, and demonstrate a concern in this country for a livable world. Hopefully, they will set specific goals for the 70s, goals for a decade of national effort which will recognize the same priorities of expenditure as did the moon-shot effort of the 60s.

It is particularly appropriate that, by the 200th anniversary of the founding of this nation in 1976, we be well on our way to solving the problems of population growth, pollution and the degradation of our open space. The key to achieving this result lies in mobilizing the idealism, the motivation, and the energies of this student generation.

And this time we had better listen to what they have to say.

THE LIBRARY ROLE

There is a growing social awareness among librarians, and it is reflected on the book and record shelves and in the films and services available to library users. An escalating concern for fulfilling the rapidly changing needs of those who visit libraries—and of those visited by libraries—is evidenced in the special unit created eighteen months ago within ALA devoted to exploring the issues facing man and bringing them to the attention of the Association so that resources can be collected and developed.

There is concern voiced by many involved with libraries that there was an overconcentration in the past decade on physical expansion and the acquisition of materials, to the detriment of efforts to make the library resources available and to show the public the uses to which the resources might be put.

The national Environmental Teach-In of April 22, of which I am cochairman along with Congressman McClosky, presents an excellent opportunity for libraries to help insure the success of a crucial endeavor, by bringing the traditional services of the library fully to bear on a single problem, in cooperation with the myriad interest groups motivated by the Teach-In.

The libraries will be able to offer trained staff and collected materials that will help in the gathering of background materials and as guides to sources of information needed for local inventories. The bibliographic skill of libraries alone can increase the effectiveness of the Teach-In immeasurably. In addition, the lesser known facilities and skills of libraries in the field of media materials selection and distribution can provide the Teach-In with a broad selection and visual aids for the presentations they wish to develop for community use. Many libraries are equipped to supply meeting facilities, display space, and exhibit areas, and have staff or access to individuals trained in providing these services.

One specific service which can be of tremendous importance is the setting up in libraries of displays, in which the address and phone number of the Washington office of the Teach-In are prominent. The Environmental Teach-In, Inc. is located at Room 600, 2100 M Street, NW, Washington, DC 20036. The phone number is (202) 293-6960. The Internal Revenue Service has ruled that the Teach-In is an educative, nonprofit organization. Libraries especially might want to get on the mailing list of the Washington office in order to receive environmental materials which will help them serve their local patrons. Enterprising libraries might want to arrange for speakers to address library users on what they can do to fight environmental despoliation.

Demonstrating their ability to meet such a concentrated effort to inform the public will give libraries the opportunity to perform a significant service and to show their potential force in the community. No more dramatic or urgent challenge has come forward to date to test the rising social awareness of the profession. All libraries and librarians, both as citizens and professionals, have a stake in the future of their environment, and it is fortunate that the investment in the growth of libraries on the federal, state, and local level will enable them to make a significant contribution to our national awareness of a serious ecological and sociological problem.

RESTRICTIVE REAL ESTATE COVENANTS

Mr. FANNIN. Mr. President, there has been a bit of talk here and there in the news media concerning the use of restrictive real estate covenants, particularly in connection with the nomination of Federal Judge G. Harrold Carswell to the Supreme Court.

In all honesty, we should admit that the use of such legalisms is by no means confined to the South, nor to those who are represented as being not equitable, just, and fair minded in their approach to civil rights.

Since the Supreme Court declared such covenants to be unenforceable, many people have overlooked their existence, treating them as dead letters with no basis in law.

Indeed, some distinguished Members of the Senate have lived in houses covered by such covenants. The Chicago Tribune took note of this fact on Saturday, February 21, 1970, in a front-page article entitled "Bare 16-Year Racial Curb on Humphrey's Home as a Senator." Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

BARE 16-YEAR RACIAL CURB ON HUMPHREY'S HOME AS A SENATOR

Washington, Feb. 20—Hubert Humphrey, who has criticized the nomination of Judge G. Harold Carswell to the Supreme court, lived in a house with a restrictive racial covenant for 16 years while a United States senator.

Real estate records of suburban Montgomery county in Maryland outside the capital show Humphrey finally entered a disclaimer on Sept. 23, 1964, 27 days after he was nominated as the Democratic party's 1964 Vice Presidential candidate.

Humphrey bought the property on Dec. 27, 1947.

M'GOVERN CASE SIMILAR

Ten days ago, the Democratic policy council of which Humphrey is chairman, urged the Senate to reject Carswell's nomination. Any man named to the Supreme court, the council said, "must be devoid of any record of racial bias, intolerance or discrimination."

The same racial covenant that applied to Humphrey's home applied to the home of his neighbor, Sen. George McGovern (D., S.D.). McGovern bought his home in 1957 with the covenant and sold it last September still subject to the covenants of record.

In McGovern's case, his office said the purchaser was a Negro.

McGovern has not announced a position on Carswell. He has said he is inclined to vote against Senate confirmation of Carswell, but wants to look at the final report before making up his mind. McGovern has not attacked Carswell for having a racial covenant on a lot his wife sold four years ago in Florida.

CARSWELL SIGNED PAPERS

Mrs. Carswell sold a bayfront lot near Tallahassee for about $4,800. Her husband was a federal judge at the time. Among the dozen covenants written into the deed for the property by the original seller of the land to Mrs. Carswell was one restricting ownership and occupancy to "members of the Caucasian race."

Judge Carswell signed the sale papers.

President Nixon was not aware that the Carswells had sold the lot in 1966 with the "white only" restrictive covenant when he nominated Carswell for the Supreme court, the White House said on Feb. 14.

In Humphrey's case, Otis H. Garvin in 1946 put a restrictive covenant on two groups of lots known as "Rock Creek Knoll" in Montgomery county. The restriction stated that:

"None of the lots above can be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner."

CALLS COVENANT INVALID

Garvin sold the lots to Mrs. Dorothy Belfiore in April, 1946, subject to that covenant In May, 1947, Mrs. Belfiore sold the lots to Joseph Gweraert, a Montgomery county builder. Humphrey bought the property from Gweraert.

On Sept. 23, 1964, after being nominated for Vice President, Humphrey and his wife, Muriel, filed this affidavit to the deed:

"After consultation with counsel, the undersigned want to make clear that as purchaser and owner, they do not consider themselves bound by any covenants or restrictions under the laws of the United States. Undersigned expressly disclaim liability under the covenant recorded April 16, 1946, in liber 1009 at folio 445, among the land records of Montgomery county of Maryland as follows:

"None of the lots above can be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner."

SIGNED BY HUMPHREYS

"The obligations this covenant would exact are contrary to the public policy of the United States of America, have been declared unenforceable by the United States Supreme court, and are morally wrong, as well as offensive to the undersigned."

The affidavit signed by Humphrey and his wife was witnessed by V. W. Kampelman.

In January, 1967, the Humphreys sold the home to Lee C. White, and his wife, Mary. White was an aid to President Kennedy. White said his deed to the property is clear of any covenant.

PROPOSED DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Mr. MOSS. Mr. President, for several years, now, I have been advocating the creation of a Department of Natural Resources and Environment. In the last Congress—the 90th—hearings were held in the Government Operations Committee on my bill. Although the bill has been reintroduced with some refinements in this session of Congress, no hearings have yet been scheduled. In the meantime, the wisdom—in fact, the demands—of such a move has become more and more apparent. The President in his state of the Union message this year indicated that he intended to shift many of our resource-oriented functions into the Cabinet department charged with preserving our environment and reasonable development of natural resources.

The Sunday edition of the Washington Post contains an editorial entitled "The Anomalous Army Engineers." It again points out the great need for a department alinement such as I have sponsored for the past several years. 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:

THE ANOMALOUS ARMY ENGINEERS

Secretary Hickel's recommendation that the civil functions of the Army Engineer Corps be transferred to the Interior Department is in line with the growing demands for restoration of a healthful environment. The Engineer Corps is one of many agencies that should be deeply involved in the new conservation movement, and that movement is clearly not one with which the Army should be primarily concerned.

When the Engineer Corps was created, one of its chief functions was to provide training and experience for Army engineers in useful civilian projects. Nowadays the Army has plenty of military projects to keep its engineers busy. It is anomalous to keep in the Army an agency with 29,400 civilan employees and only 2,000 military men—an agency which is chiefly engaged in building dams and dredging rivers.

One of the penalties for allowing the Engineer Corps to meddle with conservation problems in its present orientation came to light a few weeks ago in Oregon. The Engineers permitted a chemical company to dump its waste into the Columbia River without even asking what the pollutants were. This turned out to be one of many instances in which permits for dumping industrial wastes into navigable streams had been issued with no regard for the consequences to the environment. Under pressure the corps was induced to change its regulation so as to require disclosure of contaminating materials discharged into the streams. But this still left the Engineers in control at the befouling spigots instead of the Interior Department's Water Pollution Control Administration.

Obviously the two ought to be working within the same department on problems of this sort. Indeed, we think that all the civilian operations of the Engineers ought to be reoriented within the new environmental control programs. There have been some indications from the White House that the President intends to reorganize the Interior Department and change its name in keeping with its larger function of conserving our resources and cleaning up the environment. That would afford an appropriate occasion for shifting the Engineer Corps into the restructured department.

ESTONIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, on February 24, while all Estonian descendants throughout the world are honoring Estonian Independence Day, Americans as well should acknowledge the importance of the 52d anniversary of the liberation of Estonia.

Prior to 1918, the Soviet Union controlled the government and the people of Estonia before yielding to the invading forces of Nazi Germany. Many Estonians considered the ejection of the Soviets by the Germans to be to their advantage, but soon learned that they could not trust the Nazis. After much dissent, on February 24, 1918, the people of Estonia denounced the German oppression and declared their independence.

Many leaders were determined to create a powerful and prevailing movement in Estonia, so they escaped to spread dramatically the word of their suppression to the world.

Their work was so successful that, by March 1918, three world leaders, Great Britain, France, and Italy extended de facto recognition to Estonia as an independent nation.

However, the Germans refused to recognize the "liberalism" and their domination continued until they withdrew in November 1918, when, once again, the Estonians were confronted with Russian power.

But after a bitter struggle which lasted for several weeks, the Estonian loyalists, led by Col. Johan Laidoner, managed to hold off the Russians until, aided by the Finns and a British naval squadron, they could drive the Russians from Estonian soil. On the first anniversary of the Estonian Independence Day, February 24, 1919, the Estonian Government announced that all Soviet military forces had been expelled. A Russian-Estonian peace treaty was signed February 2, 1920.

In the succeeding years of liberation, the Estonians set up their Government based on a constitution, effective June 15, 1920, whose basic principles were derived from those found in the constitutions of France and the United States.

In September 1921, Estonia joined the League of Nations and was recognized by the world powers as a valuable representative for all small nations.

While a free nation, Estonia advanced culturally through music and literature, and economically, through great industrial improvement.

But the Estonian independence was tragically short lived. At the beginning of World War II, Russia and Germany signed the well-known "nonaggression treaty," in which Estonia was "assigned" to Russia for her control. Estonia was forced to allow Russian military bases on her soil, which, in October 1944, led to total Russian occupancy.

Although Russian control over Estonia is not as stringent today as it was in 1944, Estonia is still denied the right of self-government.

It is appropriate that on the 52d anniversary of Estonian Independence Day, we, in the United States, honor the people of Estonia and their commitment to a democratic way of life.

A SCIENTIFIC TOUR OF THE TRANS-ALASKA PIPELINE ROUTE

Mr. STEVENS. Mr. President, the proposed construction of an 800-mile pipeline through Alaska has generated much comment and concern.

I have consistently maintained that Alaskans value the protection of their environment and ecology and are adequately prepared to work with industry to insure that the problems afflicting other States do not ruin Alaska.

This past summer, the trans-Alaska pipeline system financed an ecological study along the northern portion of the pipeline route.

The observations of one of the members of the study group appear in the February 1970 edition of the Agroborealis.

I ask unanimous consent that the article, written by Prof. William W. Mitchell, be printed in the RECORD.

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

A SCIENTIFIC TOUR OF PIPELINE ROUTE

(By William W. Mitchell, associate professor, agronomy)

Anyone traversing the proposed Trans Alaska pipeline route would be privileged to view most of Alaska's principal physiographic regions and a major sampling of its flora. It would be a memorable experience.

This experience was afforded a group during the past summer when TAPS, a consortium of oil companies undertaking to construct the pipeline, financed an ecological study along the northen portion of the route. The group included a fisheries biologist, a mammologist, and a botanist[1] with Bryan Sage, a British Petroleum biologist, as project leader.

The Alaska Experiment Station became involved in the study because of its program in identifying and assessing native plant resources, their potential uses, and their position in natural ecosystems. The possible relationship of the pipeline to the environment was considered by studying successional occurrences in plant community development and processes of revegetation on disturbances. Plant materials were collected for further study and testing at the Alaska Experiment Station.

Research workers and explorers who have had to rough it on foot and by boat would have envied the helicopter support and camp catering service provided the group. However, weather, smoke and mechanical difficulties often grounded the helicopter.

The study was conducted out of five campsites from north of Livengood to the North Slope. Camps were located on Hess Creek, about 20 miles northwest of Livengood; on Kanuti Creek, at the base of Caribou Mt. about 40 miles southeast of Bettles; in the Dietrich Valley of the Brooks Range; and at two sites along the Saganavirktok River on the North Slope. One site was at an unnamed lake about 2,900 feet elevation just north of the Brooks Range and the other at Lake 730 (730 feet elevation) on a bluff overlooking Sagwon.

Among the purposes of the overall study was a survey of the flora and kinds of plant communities that the pipeline would traverse. This survey provides the basis for the following account.

The receiving station on the north end of the line will be located on the coastal plain

[1] Dr. Peter McCart, University of Saskatchewan, Dr. Peter Elliott, Okanagan College of British Columbia, and Dr. Wm. W. Mitchell, University of Alaska Agricultural Experiment Station.

of the arctic tundra in the Prudhoe Bay area. This is a soggy, drab plain dotted with ponds and small lakes. In distant view, its generally featureless surface is broken only by the occurrence of large, peculiar mounds, called pingos, and an occasional oil rig. It is distinguished in aerial view by the overall pattern of polygonal formations. Permafrost is encountered at a shallow depth and ice wedges underlie the margins of the frost polygons. Sedges, cottongrass, a few grasses, and dwarf willows are the most common plants. Among the more colorful plants to occur here are the small, yellow marsh saxifrage and arctic poppy.

The gravelly flood plains of the Sagavirktok River provide some relief from the wet tundra type. The relatively firm surface of the dried flood plains will sustain much more vehicular activity than the wetter tundra types. Plants that characteristically inhabit dry sites occur here, including arctic bromegrass, mountain avens, alpine bearberry, wild sweetpea, vetch, and lichens. Patterned ground also develops in the wetter areas of this bottomland with water sedge the principal species.

The pipeline will leave the coastal plain and enter the foothills province at Franklin Bluffs. These are very picturesque bluffs with prominent cobblestone slopes and should be left undisturbed as a landmark along the route. The uplands of the foothills are vegetated to a great extent with tussocked, cottongrass communities. Through the coastal plains and lower foothills the pipeline will cross land that was never glaciated during the Ice Ages; thus plants adapted to arctic conditions survived the glacial onslaught in this important refuge.

The pipeline will pass into glaciated terrain south of Sagwon on higher ground in the foothills. The vegetation here is more variable where plant communities have not reached the more stabilized stage of development as those on unglaciated terrain. Among the more colorful flowers to be seen are bistort, monkshood, dwarf fireweed, several saxifrages, arnica, and cassiope. Dwarf willows are common, a single shoot of one kind being no larger than a small fingernail. One may see the northern-most outliers of green alder and tall fireweed on sheltered slopes and draws above the "Sag" River in the high foothill region.

The pipeline will enter the Brooks Range proper through the Atigun Canyon and ascend a high pass in the neighborhood of some small persistent glaciers. It will cross an alpine heath-and-dwarf birch-type meadow containing a small colony of tall fireweed that is probably near its altitudinal limit at this latitude. Prior to pipeline activity this alpine meadow likely had been visited by only a few men.

After crossing the divide, one encounters the first timber upon descending into the Dietrich Valley. Timberline for white spruce at this northern limit runs at about 2,400 feet elevation on the valley bottom to about 2,800 feet on the slope. Both balsam, poplar and alder occur up the valley beyond the white spruce timberline. Migrating caribou have made deep trails through this headwater region. The Dietrich River, frequently muddied by heavy discharges from snow melt and summer thunderstorms, has carved a broad, braided, gravelly stream bed in the valley floor. White spruce, balsam poplar, willow, alder, and tall, shrubby birch have developed on abandoned stream beds. Sedge and cottongrass meadows occur on wetter, poorly drained sites. The pipeline will avoid the bases of the mountain slopes as much as possible, since they are subject to considerable soil movement from frost action and solifluction. Green alder and the beautiful white saxifrage, boykinia, often can be found together on solifluction lobes.

The Dietrich is one of the valleys explored by the intrepid Robert Marshall. Multihued, barren rock faces of the taller, steeper mountains provide a breathtaking contrast to the green vegetated slopes below. Dwarf fireweed adds splashes of color to gravel bars along the river, and tucked away on mossy mats lurks an interesting violetlike plant, the insectivorous butterwort.

The pipeline will encounter the northern outliers of paper birch near Sukakpak Mt. where the Bettles joins the Dietrich River to form the Middle Fork of the Koyukuk River. Small groves of birch trees can be seen on slopes between there and Wiseman. Bluejoint, Alaska's most abundant grass, and tall fireweed become conscipuous in the Wiseman area and southward.

The pipeline passes from glaciated terrain as it leaves the southern flank of the Brooks Range below Wiseman. Upon entering this northern interior region it will encounter its first black spruce stands, commonly found on north slopes and in bogs. However, the pipeline will attempt to avoid the wet permafrost problems generally associated with black spruce by holding to the drier ridges. The interior forested region through which the pipeline will pass for most of its length is dominated by white and black spruce with balsam popular, paper birch, and aspen developing under certain circumstances. The wetter, poorly drained grounds and drier knobs and bluffs are more or less open.

Though prospectors and others have ventured into the region between the Koyukuk and Yukon Rivers, little is known about this territory. The area generally is a blank on maps showing the distribution of plants found in the interior of Alaska. Southeast of Bettles in the vicinity of Caribou Mt. and Dall Mt. (named after one of Alaska's earliest explorers) the pipeline will cross some sandstone ridges. Prostrate heaths, such as bearberry, crowberry, and blueberry, and low birch, alder, and lichens are common on these ridges and knolls. Occasionally a peculiar fleshy, russet-colored plant, about 4 to 10 inches in height, occurs at the base of alder. The association is not accidental. The plant, called boshniakia, is a parasite on the roots of alder. In the alpine zone of this region on extremely dry, rocky slopes one can find the native carnation with its delicate rose to lavender colored flowers, truly a pleasant surprise in such a harsh environment. Extensive sedge and cottongrass meadows occur in the lowlands draining to the Yukon River.

The pipeline will cross the Yukon just below the Yukon Flats near the outlet of the Ray River. It will head southeastward across rolling hills, passing west of Livengood and keeping north of Fairbanks. The ridges of the highlands will provide it some relief from the deep, wet permafrost situations of the black spruce and cottongrass lowlands; whereas in the Arctic it was the gravelly flood plains that were sought for drier relief.

The generally stunted growth of the trees through this region attests to the cold soils. The tallest white spruce trees are found along river and slough banks where there is better drainage and warmer soils. The history of past fires is written in the occurrence of aspen and birch on spruce sites and of different aged spruce stands. The ubiquitous lingenberry is common in this region and throughout most of the route. Bluebunch wheatgrass and fringed sage, abundant in certain western U.S. and Canadian grasslands, and an attractive blue pentstemon prevail on extremely dry bluffs.

Through this interior region the pipeline traverses unglaciated terrain that remained vegetated during the Ice Ages. It enters glaciated terrain near Delta Junction when it crosses the Tanana River and heads south along the Richardson Highway. Low alpine tundra predominates along the route through the Alaska Range between Delta Junction and Paxson. Willows, dwarf birch, alpine bearberry, and blueberry are prominent in these tundra regions. The broad, gravelly river beds become ablaze with wild sweetpea in early to mid summer.

The pipeline reenters the interior forest near Paxson and descends into the Gulkana Basin and Copper River Valley. Small, inconspicuous orchids can be found on the mossy floor of black spruce forests in this region, along with hordes of mosquitoes. Wheatgrasses and sage occurring on dry bluffs and river beds are reminiscent of the western plains of the U.S. A creeping juniper, found only in the Copper River and upper Matanuska Valley region of Alaska, occurs on some high, dry mountain slopes. Deposits of fine silts and clay, laid down in a lake when the Copper River drainage was blocked by glaciers, present the pipeline with deep permafrost problems in this region.

Sudden changes of scenery take place in the last leg of the route as the pipeline ascends the Chugach Mountains and crosses Thompson Pass with its magnificent view of Worthington Glacier. Some areas in this region have only recently been deglaciated. The pipeline will make a difficult descent to the coast down steep slopes densely invested with Sitka alder, an important colonizer and soil builder on barren, rocky terrain. Newcomers working on the pipeline will learn to avoid the notorious devil's club, which forms thickets armed with thorns in moist places.

Upon crossing the pass, the pipeline leaves the interior forest and enters the narrow belt of coastal forest with Sitka spruce and hemlock as dominants. Balsam poplar gives way to black cottonwood, and green alder to Sitka alder. Lush stands of tall fern and bluejoint reflect the cool, moist growing conditions. Large white sprays of sea coast angelica and the deep red to violet flowers of beach pea adorn the beach meadows and coastline. The extensive ice fields verging on the bay at sea level are a contrast to the small remnant glaciers found only at high altitudes in the Brooks Range.

This survey provided the opportunity to explore for and find species of plants in areas where they had never before been reported. This, of course, points to an effect associated with the installation of the pipeline and the accompanying road system. It will provide access to areas that have had only rare to infrequent visitors. The region just north of the Yukon River, for instance, has received very little attention in botanical and zoological studies. Other areas, frequented only by air travellers now, will eventually yield to access by land. Possibilities for agricultural and other kinds of development will be enhanced.

In face of the certainty of large scale oil production in the Arctic and accompanying needs for development, the problem now confronting Alaskans is how to proceed with and assist this development while maintaining these areas with their natural qualities sufficiently intact. A system of land classification may be necessary, and exploratory, ecological studies will be basic to its implementation.

MASS MURDERS OF AIR TRAVELERS

Mr. RIBICOFF. Mr. President, the murder of 47 passengers aboard a Swiss airliner en route to Israel this past weekend fills me with revulsion for the perpetrators of this outrage, and with sorrow for the innocent victims.

Among the six American dead were Dr. and Mrs. Richard Weinermen from my own State and the Yale University School of Medicine. I had known the Weinermens personally for many years and have been impressed with the valuable work in the field of public health that Dick was engaged in. His loss is a

tragedy not only to his family and friends, but to Yale University, Connecticut, and the entire Nation.

Mr. President, future incidents of the mass murders of air travelers will continue unless this country, with its preeminence in the field of civil aviation, takes the lead in insuring that resolute measures are taken immediately to deal with this growing menace. Israel civil aircraft and those of other nations which fly to Israel have been fair game for Arab terrorists since July 1968. The lack of firm international action against the guilty individuals and against the governments harboring, assisting, and encouraging these assassins in their cowardly assaults is largely responsible for the latest bloody episode. Our own extensive experience as victims of aerial piracy should have by now made our own Government acutely aware of what is at stake here. The next airliner blown out of the skies by the fanatics operating openly from Beirut, Damascus, Amman, and Cairo could be one of many nationalities, including our own. Must we wait for more of our citizens to become the grisly victims of madmen before we act?

The reactions so far to this latest outrage on the part of a half dozen airlines in suspending flights to Israel have been panicky and shortsighted and will serve only to embolden the warped minds who conceived this abomination. The voices which were so strident in their denunciations of the destruction of a dozen empty aircraft at the Beirut airport are, so far, strangely silent.

But from the Libyan regime's military dictator, we have public approval of the deed, and from Arab capitals reports of exultation by the terrorists. Hopefully, the governments, airlines, and pilots associations will realize the full implications of the Zurich tragedy and take appropriate action against those nations whose complicity here with the murderers is obvious. Unless this is done, and soon, the Israel Government will have little choice but to act on its own to protect its vital lifelines to the rest of the world. The consequences of such action could have serious repercussions for world peace that could be avoided if the United States assumed its rightful role in protecting international civil aviation and the lives of its own citizens.

THE ABM AND STRATEGIC TARGETING PLANS

Mr. NELSON. Mr. President, I invite the attention of the Senate to an article written last summer during the height of the debate over the ABM, "Washington's Whispered Issue: Our First-Strike Capability," written by Morton M. Kondracke, of the Chicago Sun-Times, touches on one of the most sensitive military issues—our strategic targeting doctrine.

Former Secretary of Defense McNamara in his historic speech announcing the deployment of the Sentinel system referred to the "mad momentum intrinsic in weapon system development." We have heard repeated warnings of concern on the spiraling arms race and the action-reaction syndrome. Advocates of superiority, as opposed to sufficiency or parity, seem to treat Soviet capabilities and intentions as identical. However, when analyzing the action-reaction process we must consider what the Soviets think about our capabilities as well as our intentions.

Mr. Kondracke aptly points out that we indeed have many of our missiles aimed at fixed Soviet missile sites. Why? Because if deterrence fails, so the argument goes, then we must try to limit damage to our Nation. Yet the United States and the Soviet Union both know that they can inflict an unacceptable level of damage to our cities and industrial complexes many, many times over even after a first strike.

Now plans have been announced to expand the Safeguard system by proceeding to phase II which is an area or city defense. The Soviets could very easily view this as a step toward a thick defense.

Certainly we do not intend to possess a first-strike capability but if we have that capability then how can we assure the Russians that we do not plan to use it?

It is not only probable but very likely that the Soviet Union will view any decision to expand Safeguard to an area defense system as a threat to their security. A possible response is another increase in the rate of their deployment of SS–9 missiles which was the primary justification given last year to go ahead with the Safeguard system. The cycle is alarming and deadly.

There will be another searching debate on the ABM this session. The majority leader expressed the reservations and deep concerns of many Senators in his commendable speech of February 4. I believe that our targeting plans—that is, our war plans—are too important for Congress not to look into them carefully.

We can no longer win in a nuclear exchange with the U.S.S.R. nor can they. Ironically, our nuclear weapons are effective only if they are never used, because we have passed the point where numbers of missiles make much sense. Any possible decisions we might make that would tempt the other side to escalate the arms race must be exposed for its destabilizing effort. The proposal to expand the Safeguard system, I believe, would escalate the arms race and sharply reduce chances for meaningful negotiations and agreements to come out of the SALT talks.

Mr. President, I ask unanimous consent that the article on our strategic targeting doctrine—an important component in the forthcoming ABM debate—be printed in the RECORD.

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

DEFENSE—OR OFFENSE? WASHINGTON'S WHISPERED ISSUE: OUR FIRST-STRIKE CAPABILITY

(By Morton M. Kondracke)

If we have to start all over again with Adam and Eve, then I want to be Americans and not Russians, and I want them on this continent and not in Europe."—Senator Richard B. Russell (D-Ga.)

Although these sentiments have been diagnosed as "criminally insane" by Nobel-Prize-winner George Wald in a now-famous speech, they are in fact part of United States strategic nuclear policy. While almost everyone assumes that our policy is to deter war, official doctrine contains another goal: if there is a war, to win it, even if everybody is dead. The Pentagon, of course, has a less disturbing way of expressing it. Its language says that, if deterrence fails, the nation's goal is "to insure that the United States and its allies emerge with relative advantage irrespective of the circumstances of initiation, response and termination."

To deter war, the United States depends on what the Pentagon calls "assured-destruction" capability, that is, "the unmistakable ability to inflict an unacceptable degree of damage upon any aggressor—even after a surprise attack on the United States." Legitimate questions are being asked in the anti-ballistic missile debate about how much assured destruction is enough. No one but certifiable unilateral disarmers (of which, despite House Minority Leader Gerald Ford, there are none in the ABM debate) would argue against the idea that "assured-destruction capability" is a capacity well worth retaining for the sake of deterrence.

But war-winning is another matter. It has not been publicly debated yet, but it should be. Our methods of war-winning, in Pentagonese, are called by the defensive-sounding (therefore harmless-sounding) name, "damage limitation." In the wonderful world of war-gaming, however, defensive-sounding programs are actually some of the most dangerous and provocative, not to mention expensive. For example, in the name of "damage limitation," we retain the option—senseless though it might be to exercise it now—of launching a pre-emptive, "counter-force" nuclear attack against the Soviet Union or China. If we ever used the option, the United States would be starting nuclear war, but we'd call it "damage limitation" because we would be cutting down on the number of enemy weapons that could damage us in return. If we tried to exercise the option against the Soviets, we would suffer "unacceptable damage" ourselves (about 80 million deaths). Nonetheless, the option is there and we have "damage-limiting" weapons on the drawing boards which look suspiciously (if to Americans, then certainly to Russians) like the means to making the option more attractive. These go by the names MIRV, AMSA, SRAM, SCAD and Safeguard.

Perhaps striking first is an option we don't want to have. Perhaps war-winning is not a game we want to play. If not—or even if so—it is a matter that ought to be debated, but this is as close as it's recently come:

"Senator STUART SYMINGTON (D-Mo.). You and I have talked about this many times . . . It seems for various reasons we do not want to establish what could be the greatest deterrence of all. If the Soviets knew that if they went after our missile bases we in turn would go after their cities, that would be a far greater deterrence than anything brought up at these meetings to date. . . .

"Secretary of Defense MELVIN R. LAIRD. I am a little concerned over that proposal . . . But you know what we are talking about, Senator. I'm sure you understand.

"SYMINGTON. And you know what I am talking about, Mr. Secretary. (Laughter.)"

What Secretary Laird and Senator Symington were talking about in this mystifying little exchange during the Senate Foreign Relations Committee's ABM hearings was United States strategic targeting doctrine. Most people assume, thanks to the latter-day Robert S. McNamara, that, as Symington suggested, U.S. missiles are targeted on Soviet cities as a means of deterring war—i.e., of letting the Soviets know that if they try a surprise first strike we will inflict "unacceptable damage" on them in return. In fact, this is not the whole truth.

PLAYING THE GAME

There was, in 1962, another Robert S. McNamara, who made a University of Michigan commencement speech in which he said

that "the principal military objective, in the event of general nuclear war, should be the destruction of the enemy's military forces, not his civilian population." McNamara said that, instead of inflicting "maximum damage" on an enemy, it would be better to "bring the conflict to an end favorable to us and to minimize [i.e., limit] damage on ourselves . . ." Its proponents advertised this as a "city-sparing" strategy; in other words, as a humane way of waging nuclear war. In fact, it implied that the United States regarded nuclear war as a "winnable" proposition.

By the necessary rules of the game McNamara was proposing, the side with missiles left over when the other side was out would "win." The advantage, clearly, was on the side that struck first. McNamara began spreading the word that the U.S. had so many more missiles than the Soviets that it had a long head start for any such "game." (Although the "missile gap" of the 1960 campaign had been a phony, the U.S. went on building up its arsenal as if it had been real.) It so happened, also, that McNamara's speech came two weeks after a magazine article appeared quoting President John F. Kennedy as saying that "in some circumstances, we might have to take the initiative" in using nuclear weapons.

In furtherance of McNamara's "city-sparing" strategy, U.S. targeting doctrine was arranged in such a way that U.S. missiles were aimed at Soviet rockets, not at Soviet cities. This "counter-force" targeting doctrine was applauded by General Curtis E. LeMay (who was Air Force Chief of Staff at the time), but others at the Pentagon—particularly in the Navy—were aghast. The targeting doctrine implied that the United States would have to strike first. If the Soviets fired first, their missiles would no longer be there to be hit in a U.S. retaliatory strike.

Though he presumably didn't know the secret details of U.S. targeting, Nikita Khrushchev understood well enough what McNamara was proposing in his speech, and he condemned it as "a camouflage for nuclear war." The Soviet leader said he would never subscribe to "rules" for nuclear war (under which, not incidentally, he would have lost). He accused the U.S. of "preparing for a new world war" and of "feverishly stockpiling nuclear weapons." He took out ads in several North American newspapers. More realistically, he began to harden (protect) Soviet missiles so they could survive a U.S. surprise attack. McNamara's speech was delivered on June 16. By October 23, the Soviet Union had introduced intermediate-range missiles into Cuba. It is widely accepted, by President Nixon among others, that the United States emerged successfully from the Cuban missile crisis because of our overwhelming nuclear superiority. There are more than a few people in Washington, around at the time, who believe that the U.S. never would have got into the crisis in the first place had it not been for McNamara's rattling our rocket superiority and implying that the United States intended to use it in a realistic war game.

Much has changed since 1962. Nowadays, not entirely to the liking of the hawks in Congress or the Joint Chiefs of Staff, primary emphasis in U.S. strategic planning is on assured destruction (deterrence) instead of damage limitation (war-winning). But one thing that has not changed is U.S. targeting doctrine. Our missiles are still aimed at Soviet missiles as well as at Soviet cities. This is our option for waging pre-emptive war. Its existence was discussed in closed hearings last year before the Senate Preparedness Subcommittee, which published a heavily-censored version of the testimony during the Presidential campaign last fall. Most newspapers carried accounts of the subcommittee's report, which held that the Soviets were making dangerous strides in nuclear technology. But the hearings themselves are fascinating reading, despite the gauntlet of "[deleted]s" in the transcript. As to targeting, here are some excerpts.

"Gen. EARLE G. WHEELER (chairman of the Joint Chiefs of Staff). Speaking for the Joint Chiefs of Staff, we have always held to the view that we must attack those forces of the Soviet Union which are able to inflict destruction on ourselves and our allies.

"JAMES T. KENDALL (chief subcommittee counsel). What you are saying is that our war plans do allocate weapons for damage-limiting or counter-force?

"WHEELER. They certainly do. . . . We can do certain things that are significant in the damage-limiting field. [Deleted] and we have made no change in this targeting policy."

Later in the hearings, Dr. Alain C. Enthoven, then-Assistant Secretary of Defense for systems analysis, told the subcommittee: "First, I would like to emphasize that our targeting policy, as reflected in the guidance for preparation of the targeting plan, has not changed. From 1961–62 on, the targeting plan has been based on the principle that we should have different options that target the strategic forces and cities." Nor has the policy changed with the arrival of the Nixon Administration. Following the Symington-Laird "I understand-you understand" exchange, Pentagon research chief John S. Foster said there was nothing wrong with Symington's "city-hitting" proposal for insuring deterrence. "The limitation," said Foster, "is only one of retargeting our deterrent . . . to retaliate on his cities for an attack on U.S. missiles."

There are those, it should be said, who insist that counter-force targeting does not *necessarily* imply that the U.S. would be the first to launch a nuclear attack. They draw up this scenario for nuclear war: the Soviets would hit first, but would limit their attack (as in McNamara's 1962 war game) to our missile sites and other military targets. Although Enthoven testified that such an attack would kill 10 million Americans, the scenario goes that we would play the game, striking back at their unused missiles and military installations. They would hit back at ours, and so on, with no one ever getting mad enough to cheat and hit a big city. One of the creators of scenarios like this is Herman Kahn of the Hudson Institute, who told a House Foreign Affairs subcommittee this spring that "one must recognize the possibility of a controlled and limited use of these weapons, and of a need to alleviate the consequences, whether or not there is much control or limitation."

The brilliant Dr. Kahn might be termed Mr. Damage Limitation, for he has suggested numerous scenarios for limited nuclear war. One of them, admittedly extreme, is a "war of competitive mobilization" in which the U.S. might declare war but withhold its attack while it spent "hundreds of billions of dollars a year" preparing. Kahn says: "It might be possible to build almost a 'spare United States' underground in a year or two." Since the United States has a greater productive capacity than the Soviet Union, goes the plan, we could dig deeper into the ground and do it faster, thereby winning (!) the eventual nuclear war.

While Kahn acknowledges that this plan is a bit far-out, he testified in favor of closer-in damage-limiting programs, notably the anti-ballistic missile system. Someday, he said, it might be possible with lasers to deploy what amounts to an anti-ballistic bubble over the United States, capable of shooting down any incoming missiles. This would be an ultimate in damage limitation. If the United States had one and the Soviets didn't, we could launch a nuclear war with impunity and win. Of course, the Soviets might deploy an *anti*-laser laser, which would mean moving on to something else.

Kahn, along with other brilliant and sophisticated nuclear thinkers, scorns the idea that nuclear war is "unwinnable" or that it should be made—according to Symington's suggestion—too awful for anyone to contemplate. Kahn, borrowing from psychiatry, calls this common attitude "rejection." Incidentally, Kahn told the House subcommittee: "I think it is unpleasant to face these problems. I think it is more unpleasant to talk about them. I don't particularly encourage discussion in the general public because I think this is the kind of thing which you don't want housewives discussing, to be frank." He said Congressmen should discuss it, along with government officials and experts. Dr. Kahn's expertise notwithstanding, housewives may disagree. It is they who would do most of the dying in a nuclear war. Congressmen and the experts—especially the experts—would be protected. Should the housewives have the opportunity to see their fate debated? Quite a few would probably think so, if they knew about it.

THE QUESTIONS

If the issue were debated, the first question ought to be: do we want to retain our current targeting doctrine, which gives us the option of launching a first strike and which also makes it possible for us to contemplate "controlled" nuclear wars? A second question is: do we want to spend billions of dollars on "damage-limiting" devices which make nuclear war (theoretically anyway) "winnable"? Maybe the answer to both questions is "yes," but there are good arguments for "no."

Nowadays, a first strike on the part of the United States would be madness. It was theoretically possible in 1962, when the U.S. had (using President Nixon's figures) a 4- or 5-to-1 superiority over the Soviet Union. (We have infinite superiority now over China—we have 4,200 warheads capable of reaching them, they have none capable of reaching us—and don't think there aren't people around who think about using them.) But, to the great sadness of U.S. superhawks, the United States no longer enjoys the old advantage, although we retain some numerical superiority. The Soviets now have an "assured-destruction" capability against us, meaning that they could inflict "unacceptable damage" on the U.S. in retaliation. The Pentagon estimates that there would be about 100 million dead on each side, give or take 20 million. Though McNamara has been mercilessly pilloried (by LeMay and the "old" Nixon) for letting U.S. superiority slip, it really didn't happen that way. Enthoven testified that, after the 1962 experience, the Soviets went to hardened silos and more missiles. Far from wanting to let the Soviets begin to catch up, he said, we just couldn't afford to stop them.

The upshot was summarized by Enthoven and the Preparedness Subcommittee chairman:

"Senator STENNIS. As I understand it, your position is that they have developed to such an extent that we do not have the capacity to knock them out with a first strike.

"Dr. ENTHOVEN. That is right, Mr. Chairman."

A question for the debate, then, is this: if we can't use our option to strike first, why have it? An answer might be: to fight a "controlled" nuclear war. Enthoven testified that this is not a very attractive proposition either. "If such an attack remained restricted, and if both sides withheld attacks on cities," he said, "we could significantly limit damage to our citizens by our current and programmed strategic offensive and defensive forces and civil defense measures. However, even an attack limited to our strategic forces would probably kill more than 10 million Americans. Furthermore, we would not be able to deprive the Soviets of their residual forces.

. . . It is quite uncertain, under these circumstances, how a nuclear war could be ended."

That being so, do we want to be able to fight "limited" nuclear wars? Wouldn't it be better—since the chances are that controlled war would get out of control anyway—to take Symington's suggestion and announce that we will respond to any Soviet attack with a counter-attack on cities? Such a policy—it's called "mutual unconditional deterrence"—would eliminate any thought on either side of "winning" a nuclear war. Both sides would lose everything. It would be the best incentive not to start a war. It would, in fact, make strategic nuclear weapons irrelevant and unusable; and it could provide the basis for a gradual trimming down of arsenals on both sides.

Furthermore, it would reduce the need for "damage limitation" as a goal in national strategic policy, saving considerable money. All we would need in the way of strategic weaponry (research might continue, but deployment would not be necessary) would be enough to inflict unacceptable losses on an attacker. That amount would be a matter for debate, but in the past we have always built much more than we have needed—so much, in fact, that we have plenty left over for damage limitation (i.e., war-winning). This is known as overkill, and we both have plenty. Senator Albert Gore (D-Tenn.) has figured out that the United States has 48 times the number of warheads needed to destroy the 50 largest Soviet cities. The Soviets have 22 times the number needed to destroy our 50 largest cities.

Some damage-limitation weapons are bound to be deployed. We plan our deterrent needs not against what the Soviet have, or even what they are expected to have, but against a "greater-than-expected threat," which, in Enthoven's words, "assumes that the Soviets develop . . . their forces to a degree we believe is only remotely possible." As a result, "five years later, when the forces are actually in the field, we are likely to find that the actual Soviet threat is not as great as we had predicted it would be, so we have forces left over that can be used for other missions" besides deterrence. He was talking about a damage-limitation mission. It is probably neither possible nor desirable to eliminate all damage-limiting forces. But it is wise to have enough assured destruction to cover all circumstances. Some excess is an inevitable result.

It is quite another matter to plan for damage limitation or to build it stealthily, using cover assertions that "gaps" exist in our ability to deter war. The planner who is significantly and unnecessarily boosting our damage-limiting capability is thinking about winning a nuclear war—or starting one. The Joint Chiefs of Staff, straightforward soldiers that they are, want to build more damage-limiting hardware, and they say so. They consider it unpatriotic to think that nuclear war is unthinkable.

Counsel KENDALL. Are you concerned that in some way we may not be in or approaching a stage of unconditional mutual deterrence whereby neither side would dare to use its strategic nuclear weapons under any circumstances?

"General WHEELER. I do not think we have reached that stage, nor do I think we will necessarily reach it if we exert our brains and if we have the will not to permit it to happen. . . . I do not see this unconditional mutual deterrence. It could well be that you are going to arrive at a situation where the decision is going to be harder to make to use these forces.

KENDALL. Suppose the numbers of casualties . . . were doubled (to 160 million for the U.S., 200 million for the Soviets). . . . Obviously, you would have no country left, neither of us.

WHEELER. Mr. Kendall, I reject the "better Red than dead" theory—lock, stock, and barrel.

The Chiefs want to retain the option of trying to win wars and they want the equipment with which to pick up on that option. They want a large, advanced ICBM with multiple warheads. They want a new manned bomber equipped with SRAM (an air-to-ground nuclear missile) and SCAD (a bomber-carried drone plane). They want fallout shelters for the entire population and a thick, city-protecting ABM system. Total cost: classified but gigantic. Piled on, these damage-limiting systems might begin to approach the kind of all-out superiority you need if you want to think about launching a preemptive strike or threatening one to blackmail an enemy into submission. Unfortunately for the Joint Chiefs, these programs were not approved by McNamara. Neither was the theory of "exploitable nuclear superiority," simply because it was impossible to attain—any effort we made to achieve it would be matched by the Soviets. We would be matched by the Soviets. We would both have more weapons, concluded McNamara, but each side would still be able to kill off the same numbers of people.

GAP VERSUS PACT

But now we are embarked on a new Administration which speaks with two voices. One voice says that we will talk with the Soviets about limiting nuclear weapons and perhaps negotiate an agreement which will "codify equality." The same soft voice says that the goal of the U.S. strategic arsenal is "sufficiency" for deterrence, not "superiority." However, another voice tells us that the Soviets are striving for a first strike capability against us with "no question about it."

The same voice says that unless we build new weapons the Soviets will be ahead "in all areas" by the mid-1970's. This latter voice, which is heard most often from the mouth of Melvin R. Laird, echoes back to the days of yore, when "missile gaps" and "bomber gaps" were dreamed up (by Democrats, it should be noted) as opportunities to establish U.S. superiority in weapons. Laird may be right—and in the unfortunate position of the boy crying wolf the third time. But, having heard "wolf" before, suspicions among the population are natural. They should lead to vigorous debate.

If Americans are suspicious, what about the Soviets? They have seen the "gap" pattern develop before in the U.S. In 1962, it cost them dearly. They have reason to be suspicious now, too, because we are readying two programs that are at least partly damage-limiting (war-winning), though we are justifying them as maintaining assured destruction (deterrence). One such program is the Safeguard ABM system, which Laird says we need to plug a deterrent gap, but which also has a war-winning role against both China and the Soviets that could be expanded. The other program, on the verge of being deployed, is Minuteman III with MIRV (for multiple independently-targeted re-entry vehicle), a system for equipping each rocket with several warheads that can be directed to different targets. MIRV is justified these days in the name of assured destruction (in a retaliatory strike, to get through Soviet ABMs). But last year, Foster testified to its original purpose: "to increase our targeting ability." Our MIRVs are highly accurate—a requirement not needed for use on cities, but necessary for destroying somebody's missiles. Or, as Foster testified last spring, "we are beginning (with MIRV) to get a rather effective damage-limiting capability."

This being so, MIRV is an even bettter issue than ABM around which to debate the question of war-winning. This has not yet been done. The doves on the Senate Foreign Relations Committee have skipped around both MIRV and the larger question. They shouldn't: we could all get killed. If we want Adam and Eve to be Americans, we should decide it publicly.

BOUNDARY WATERS CANOE AREA, MINN.

Mr. MONDALE. Mr. President, the million-acre Boundary Waters Canoe Area is the pride of Minnesota. This magnificent expanse of forests, lakes, and rivers along the Canadian border is visited annually by thousands of persons seeking a breath of fresh air.

The Boundary Waters Canoe Area has escaped commercialism through the years. Now, however, the threat of mining has arisen within the area.

I am very much disturbed over this prospect, because it would be completely inconsistent with the history and purpose of this matchless region. It is apparent that many Minnesota citizens are also upset over the possibility of exploitation in this wilderness area.

A lawsuit by the Izaak Walton League to prevent mining there is now before the U.S. district court in Duluth, and I am watching developments in the case closely.

Mr. President, in this connection, I ask unanimous consent that the text of an article by Jim Kimball on the Boundary Waters Canoe Area, published in the Sunday picture magazine of the Minneapolis Tribune of February 8, be printed in the RECORD.

This fine article, which was accompanied by a number of excellent photographs, captures the feeling that most Minnesotans—indeed, thousands of out-of-State visitors—have for this region.

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

THE BOUNDARY WATERS CANOE AREA

For more than half a century Minnesota's famed wilderness lying along the Canadian border has been the scene of a running battle between conservationists and the commercial interests.

The area within the Superior National Forest known as the Boundary Waters Canoe Area (BWCA) covers more than a million acres of pine, spruce, balsam, cedar and hardwoods surrounding pure lakes, rushing rivers, dashing waterfalls and sluggish creeks and beaver ponds where water lilies grow. This is the place where granite cliffs rise vertically from clear blue lakes, the picturesque settings where massive pines or stunted cedars survive on rocks by extending the tentacles of their roots far into the crevices. Here too is the home of the timber wolf and the moose, the pine marten, the fisher and the spruce grouse.

It is big country, even bigger when you consider that it adjoins another million acres of comparable beauty in the Quetico National Park of Canada.

There are words to describe beauty, but there are no words to describe the sensation within the chest of the man who has fallen in love with the Quetico-Superior. An indescribable feeling builds up within him—a feeling that he is not only in the wilderness but part of the wilderness. This feeling builds as he glides over the deep blue waters along a rock-rimmed shore with a canoe paddle in his hand, shoots the rapids or travels its trails and crosses its lake on

snowshoes in the depth of winter. He becomes one with nature and her Maker. He feels small, humble and insecure in the presence of such grandeur, and yet, at the same time, he has a sensation of strength, self-sufficiency and of being as big as the whole world of which he has become part.

When the spirit of wilderness invades the soul of a man it changes him. His animal senses are sharpened. The calluses are peeled away from his human sensitivities. He experiences a fresh new awareness of the world he lives in and of the magnificence of life itself.

I cannot remmber the date of my first trip into this great wilderness, but it has to be more than 40 years ago because I had not yet graduated from the two-room country school. A borrowed canoe was shipped to Ely on the train, and with two companions I hitch-hiked to that town where we spent our combined resources, except one dollar, for food.

A man forgets a lot of things in 40-odd years, but this trip? Never. After two weeks our grub supply was gone except for onions. But we couldn't bear to leave so we ate fish and onions. And when the onions were gone we ate fish until we could stand it no more.

Of course we did not know that even then the canoe country would have been gone, flooded over by dams which the lumber barons wanted to build, had it not been for fighting conservationists. We had not heard of Ernest Oberholtzer (Ober), the little man with the Harvard degree who had adopted the wilderness and who, supported by men of wealth and influence, had fought the lumbermen to a standstill.

There were many other canoe trips, and I recall the first one with my wife when we paddled for five days into a remote area which we could imagine no one else had ever seen. Then an airplane sat down beside us and three fat, soft, cigar-smoking men in business suits cast fishing lures in front of our tent. This couldn't happen now. Battling conservationists, led by the Izaak Walton League of America, put a stop to aerial invasion of this wilderness. I recall the first trip with our kids when David kept sliding off the rocks and had to be fished out of the water. And a later trip when the two boys, bigger now, had learned to sail and, making sails out of their ponchos, traveled farther by wind power than by paddle power.

I was involved in the battles to stop road building and logging in the BWCA. But the man who best knows the history of the long struggle is Sig Olson, Minnesota's most famous author, ecologist and authority on wilderness.

In discussing the new threat by New York mining interests to the BWCA, Olson said, "We have fought the dams. We have fought the roads. We have fought to get rid of the private resorts and the airplanes.

"As a result of the dedication of many people, not only in Minnesota but all over the nation, the Quetico-Superior country, and especially the BWCA, has become a sort of national treasure, a heritage of all the people. It is important to the people of America spiritually as well as physically and is loved by countless hundreds of thousands. It is an area that deserves to be held in a state of undevelopment. I have always favored the elimination of all logging in the BWCA. It is far too precious an area to be logged when all the needed timber can be harvested elsewhere. "And as for the mining, this is unthinkable. We don't need the minerals. They will keep for some future generation who might need them.

"I think the time has come for everyone to take a firm stand to say this must not happen to an area which has been fought over for so long, to a wilderness that millions of people recognize as superlative."

THE NEED FOR A SECURE SOURCE OF OIL

Mr. STEVENS. Mr. President, on Thursday, February 19, I introduced a bill which would maintain our oil import control program with some modification to meet regional needs. That bill has as one of its foundations the security requirements of the United States. Its aim is to protect our Nation from a growing dependence upon unstable foreign oil supplies.

Today's Washington Post carries a news dispatch which quotes the Libyan leader, Muammar Quadhafi, as saying that he would cut off all oil shipments to the West if asked to do so by other Arab leaders. This is the type of circumstance to which my bill is addressed.

I ask unanimous consent that the article be printed in the RECORD.

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

LIBYA WOULD CUT OIL IF NASSER ASKS

DAMASCUS, SYRIA, February 22.—Libya's revolutionary leader, Col. Muammar Qadhafi, said today he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so for the Palestine cause.

Qadhafi was speaking in Tripoli as his first press conference since he took over power last September. The conference was broadcast by Tripoli radio.

The colonel was asked whether Libya was willing to stop the oil flow to the West and move against vast American oil investments in his country if asked to do so by the Egyptian leader or other countries bordering Israel.

"We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine," he replied.

Asked his opinion on the spate attacks by Palestinian guerrillas on civilian aircraft and passengers, he replied:

"Attacks on civilian targets are generally inhuman. But Israel has attacked civilian targets in Arab countries . . . Therefore we cannot hold the guerrillas to blame for attacking civilian targets."

Qadhafi said the close cooperation among Libya, Egypt and Sudan was a prelude to a federation of the three countries. But he denied reports that Egyptian troops were stationed in his country.

He answered sharply when asked whether the Mirage jets that Libya has bought from France might be made available to Egypt for use against Israel.

"I believe the motive for this question is America's fear regarding the protection of Israel," Qadhafi said. "Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt."

SENATE YOUTH PROGRAM DELEGATES

Mr. MONDALE. Mr. President, traditionally, the reconvening of the Senate is a time of full schedules, innumerable visitors, and activity of every conceivable description. This year, reconvening very nearly coincided with the annual visit to the Senate by the eighth successive Senate youth program delegates, but those of us who were able to meet personally with the students from our States were again encouraged and impressed by the consistently high caliber of those young people. I know my colleague and cochairman for 1970, the Senator from Tennessee (Mr. BAKER), will join me in a salute to the high school leaders who were our guests and the guests of the Senate the final week in January.

As we in Congress have had occasion to learn, constituents come in many and varied models. Some are more welcome than others, coming as they do with bright, open minds to see and learn. The 102 student constituents brought to Washington by the William Randolph Hearst Foundation to participate in the annual Senate youth program represented the best of young America and surprised many of us with their perception and challenging queries. Hopefully, we acquitted ourselves with equanimity and anticipate that future day when some of these same young leaders will join us at this enormous task of law making and national guidance.

The Capital showed the visitors its best during their 6-day stay. Top officials, including Secretary of Defense Melvin Laird, Deputy Attorney General Richard Kleindienst, Associate Justice of the Supreme Court Byron White, J. Edgar Hoover, and Astronaut Michael Collins, now Assistant Secretary of State for Public Affairs, briefed the SYP delegates who also were conducted on a specially arranged tour of the White House and honored at a buffet luncheon in the elegant Ben Franklin Room of the Department of State.

Not the least among the good things befalling the delegates was the presentation to each of a scholarship in the amount of $1,000 by the Hearst Foundation. On behalf of the Senate Advisory Committee, I wish to express to the trustees of the foundation our appreciation of their generous gesture to the promising leaders of tomorrow. Likewise, we wish to thank our fellow Senators and their staffs who made the students welcome on "the Hill" on January 28.

Similarly, a special word of thanks must go to Mr. and Mrs. George Hearst Sr., who devote long hours of their time both to the planning aspects of and later to the actual week here in the city in company with the students when they assume the roles of super-parents to the 102 participants. Recognition and thanks go, too, to Mr. Ira Walsh, director of the program, who gives endlessly of himself to insure its complete success.

It is understood, of course, that without the generous assists received from departments and agencies of the U.S. Government and the hard-working staffs thereof, our agenda for the week would be barren indeed.

Mr. President, I ask unanimous consent that the names of the student delegates to the 1970 Senate youth program and of the escorting officers of the various military services be printed in the RECORD.

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

U.S. SENATE YOUTH PROGRAM, 1970—WILLIAM RANDOLPH HEARST FOUNDATION

State and student	Address	City	School	Principal	State superintendent of public instruction
Alabama:					
Michael J. Evans	Route 2	Arley	Meek, H.S	Royce Cox	Ernest Stone, Montgomery.
Robert E. Simmons, Jr	5608 12th Ave. S	Birmingham	Woodlawn H.S	Elmer E. Moree	
Alaska:					
George Kris Cassity	211 West Cook	Anchorage	West H.S	Stowell Johnstone	Clifford R. Hartman, Juneau.
Jeffrey W. Lee	996 Stedman	Ketchikan	Ketchikan H.S	R. W. Stekl	
Arizona:					
Kevin T. Tehan	8249 E. Chaparral Rd	Scottsdale	Brophy College Preparatory	Fr. Leo J. Freitas	W. P. Shofstall, Phoenix.
Margaret C. Bachman	8800 N. 66th Place	do	Saguaro H.S	R. J. Davis	
Arkansas:					
Dixie Ann Acton	320 College Street	Mountain Home	Mountain Home H.S	M. R. Newton	A. W. Ford, Little Rock.
Robert P. Plummer	207 Princeton	Benton	Benton Senior H.S	John H. Butler	
California:					
Royal Forest Oakes	22110 Elkwood St	Canoga Park	Canoga Park H.S	Henry H. Leeds	Max Rafferty, Sacramento.
Kathryn A. Swallow	1321 W. Kildare	Lancaster	Antelope Valley H.S	Monroe E. Pederson	
Colorado:					
Kea Lynne Bockus	625 S. Valleyview St	Littleton	Littleton H.S	Richard Grey	Byron W. Hansford, Denver.
Fred L. Sedarsky	Route 1 Box 44	Ordway	Crowley Cty Senior H.S	Joe Kinard	
Connecticut:					
Joann N. Bodurtha	16 Hayes Lane	Ridgefield	Ridgefield H.S	Harold E. Healy	William Sanders, Hartford.
Robert R. LaRochelle	142 Woodstock Ave	Putnam	Marianapolis Prep. H. S	Rev. Donald S. Petraitis	
Delaware:					
Marcia Goodell	2801 Middleford Rd	Seaford	Seaford Senior H.S	C. Max Milliren	Kenneth C. Madden, Dover.
Nancy E. Cronmiller	603 Dorcaster Drive	Wilmington	Thomas McKean H.S	Malcolm Baird	
District of Columbia:					
Isaiah Poole	4081 Minnesota Ave. NE	Washington	Spingarn H.S	Purvis Williams	Benjamin Henley, Washington.
Margo E. Green	5040 Hanna Place, SE	do	Eastern H.S	William J. Saunders	
Florida:					
Arthur C. Skinner, Jr	6803 Old Kings Rd. S	Jacksonville	The Bolles School	Carl E. Reed	Floyd T. Christian, Tallahassee.
Jacqueline N. Rood	20 Pinetree Circle	Jupiter	Jupiter H.S	John C. Golden	
Georgia:					
Susan E. Newman	1427 Dinglewood Dr	Columbus	Columbus H.S	W. Herman Dollar	Jack P. Nix, Atlanta.
Ralph H. Lankford, Jr	N. Victory Drive	Lyons	Lyons H.S	James H. Collins	
Hawaii:					
Mark A. Borreliz	98-803 Iliee Street	Aiea	Radford H.S	George Yamamoto	Ralph H. Kiyosaki, Honolulu.
Margaret B. Waldorf	P.O. Box 727	Kaunakakai, Mol	Molokai High & Int. School	Clifford Horita	
Idaho:					
Ethan E. Bickelhaupt	Route 2	Buhl	Buhl H.S	Frank Charlton	D. F. Engelking, Boise.
Paul D. Rolig	2420 9th Avenue	Lewiston	Lewiston Senior H.S	Frank B. Clark	
Illinois:					
Michael C. Dorf	4656 N. Monticello	Chicago	Roosevelt H.S	H. Zimmerman	Ray Page, Springfield.
Russell B. Toal	400 Morrison Ave	Waterloo	Waterloo H.S	Paul Meek	
Indiana:					
Richard Blackwell	4301 Alan Drive	Terre Haute	Honey Creek, H.S	William G. Ray	Richard D. Wells, Indianapolis.
Kathy A. Jackson	17450 Fiarlane Dr	South Bend	Clay H.S	Phillip Ell	
Iowa:					
Deborah C. Brandau	Rural Route 1	Marshalltown	Green Mt. Ind. School	Richard Hessenius	Paul F. Johnston, Des Moines.
Joseph C. Rasmussen	RFD 2, Box 186	Jefferson	Jefferson, H.S.	Robert Schmidt	
Kansas:					
Jane E. Drury	1906 Marvonne Rd	Lawrence	Lawrence H.S	William Medley	
Ronald J. Hill	2226 South Estelle	Wichita	Wichita H.S. East	Vernon O. Kirby	Murle M. Hayden, Topeka.
Kentucky:					
Mary Jo Kulesza	Box 840	Middlesboro	Middlesboro H.S	Lloyd Sharp	
Daniel C. McCandlass	407 Main Street	Harrodsburg	Harrodsburg H.S	L. D. Knight	Wendell P. Butler, Frankfort.
Louisiana:					
Gary Joe Elkins	1511 Stering Road	Franklin	Franklin H.S	Donovan L. Pontiff	
Alvin Justin Ourso III	1421 Hearstone Dr	Baton Rouge	Catholic H.S	Brother Donnan Berry	William J. Dodd, Baton Rouge.
Maine:					
Elwood J. Howard	R.F.D. No. 2	Houlton	Houlton H.S	Elwood H. Scott	
James Lee Fossett	31 Rand Road	Yarmouth	Cheverus H.S	Rev. J. J. Bresnahan, S.J	Wm. T. Logan, Jr., Augusta.
Maryland:					
Stuart G. Weinblatt	Old Court Road	Baltimore	Pikesville H.S	L. Lee Lindley	James A. Sensenbaugh, Baltimore.
Robert A. Henley	Kendige Mill Road	Owings Mills	Franklin Senior H.S	Mr. Hackman	
Massachusetts:					
John M. Burke	716 North Street	Pittsfield	St. Joseph Central H.S	Rev. Raymond Lanoue	Neil V. Sullivan, Boston.
James Jackson	541 King Philip St	Fall River	Prevost H.S	Bro. Roger Millette	
Michigan:					
Nicole Turner	4901 Horton	Flint	Flint Northwestern H.S	Kenneth L. Fish	Ira Polley, Lansing.
Michael J. Sventko	313 Church Street	East Tawas	Tawas Area H.S	John Alexander	
Minnesota:					
Susan Janis Kurre	7109 Sunrise Ave	Circle Pines	Centennial Senior H.S	Lawrence H. Biehn	Duane J. Mattheis, St. Paul.
Alan F. Olander		Nevis	Nevis H.S	Edward R. Brekke	
Mississippi:					
Robert S. Murphree	4205 Brookdale	Jackson	Murrah H.S	James E. Merritt	G.H. Johnston, Jackson.
Thomas B. Holmes, Jr	Box 265	Batesville	South Panola H.S	Joe G. Hamlin	
Missouri:					
Richard H. Koenigsdorf	1207 W. 70 Terrace	Kansas City	Southwest H.S	W. Lawrence Cannon	Hubert Wheeler, Jefferson City.
Sara Ann McIntosh	704 East Jackson	Mexico	Mexico H.S	William E. Lowry	
Montana:					
Timothy J. Mitchell	415 North 31 Street	Billings	Billings Central H.S	Sister Mary Rau	Dolores Colburg, Helena.
Stephen C. Owens	827 Milwaukee Ave	Deer Lodge	Powell County H.S	Roger Ranta	
Nebraska:					
John M. O'Shea	2212 Burnham	Lincoln	Lincoln Southeast H.S	Wes Lauterbach	Cecil E. Stanley, Lincoln.
Richard L. Kremer	720 7th Street	Milford	Milford H.S	Dale Hall	
Nevada:					
Jeffrey Eskin	3380 Nahatan Way	Las Vegas	Valley H.S	Dorence L. Bundren	Burnell Larson, Carson City.
Jeffrey Lynn Burr	111 Joshua	Henderson	Basic H.S	John A. Dooley	
New Hampshire:					
Marcella E. Jordan	Northwest Road	Canterbury	Merrimack Valley H.S	Peter J. Murphy	Newell J. Paire, Concord.
Robert V. O'Brien	463 Central Road	Rye	St. Thomas Aquinas H.S	Sister Raymunda	
New Jersey:					
Kirk Kerensky	5202 Terrace Ave	Pennsauken	Pennsauken H.S	John W. Partridge	Carl L. Marburber, Trenton.
Henry B. Handler	66 Navesink Ave	Rumson	Rumson-Fair Haven Reg. H.S	John F. Kinney	
New Mexico:					
Sylvia Balderrama	1407 W. Irvin St	Carlsbad	Carlsbad Senior H.S	William Loos	Leonard J. De Layo, Sante Fe.
James S. Liebman	1401 Cagua NE	Albuquerque	Del Norte H.S	Mr. Krumm	
New York:					
Raymond A. Meier	920 Jervis Ave	Rome	Rome Free Academy	Ralph Furiel	Ewald B. Nyquist, Albany.
Lynne Constantine	1735 Lafayette Ave	Bronx	Dominican Academy	Sister Laurene Hagman	
North Carolina:					
Frederick M. Casey	535 S. Haywood St	Waynesville	Tuscola H.S	Carl Ratcliffe	A. Craig Phillips, Raleigh.
Allen Wilton Wood	835 East Prospect Ave	Raeford	Hoke County H.S	George Autry	
North Dakota:					
Duane V. Krivarchka		Rowman	Bowman H.S	H. Friedt	M. F. Peterson, Bismarck.
James M. Zink	467 5th Ave. South	Carrington	Carrington H.S	Larry W. Nudell	

State and student	Address	City	School	Principal	State superintendent of public instruction
Ohio:					
Raymond Chris Burnett	414 Luther St	Ashland	Ashland H.S.	James R. Wiand	Martin Essex, Columbus.
James E. Couch	R.R. 4	Van Wert	Van Wert H.S.	Robert W. Games	
Oklahoma:					
Joe Lynn Heaton	713 Fifth Street	Alva	Alva Senior H.S.	R. L. Brandenburg	D. D. Creech, Oklahoma City.
Rick Joe Joseph	214 South Oak	Sapulpa	Sapulpa H.S.	John C. Cochrum	
Oregon:					
Patricia A. O'Connell	Route 3, Box 375	Cornelius	Hillsboro Senior H.S.	James D. Davis	Dale P. Parnell, Salem.
Stanley D. Peterson	6505 N.E. Rodney	Portland	Cleveland H.S.	Clifford J. Skinner	
Pennsylvania:					
Stephen H. Galebach	1909 Northbrook Dr.	Lancaster	Manheim Township H.S.	C. Wendell Hower	David H. Kurtzman, Harrisburg.
James Arthur Lawrence	184 Marlyn Road	Lansdowne	Lansdowne-Alden H.S.	Patricia R. Nolan (Asst.)	
Rhode Island:					
Frederick J. Mullen, Jr.	44 Maynard St.	Pawtucket	St. Raphael Academy	Brother Patrick	Wm. P. Robinson, Jr., Providence.
Maureen T. McConaghy	96 Morris Ave.	do.	St. Xavier Academy	Sister Marie Georgette	
South Carolina:					
Robert L. Lentz, Jr.	311 Mimosa Drive	Greenville	Wade Hamptson H.S.	D. E. Huggins	Cyril B. Busbee, Columbia.
Richard W. Dooley	4204 Rockbridge Rd.	Columbia	Dentsville H.S.	Leonard Gardner, Jr.	
South Dakota:					
Lynnell Marie Lohr	604 N. Dakota St.	Clark	Clark H.S.	E. F. Elkins	Gordon A. Diedtrich, Pierre.
Rex Wm. Smith	3724 Morning View Dr.	Rapid City	Rapid City Stevens H.S.	Donald Varcoe	
Tennessee:					
Gary Murray Barkow	635 Pennsylvania Ave.	Oak Ridge	Oak Ridge H.S.	T. H. Dunigan	J. H. Warf, Nashville.
Edward A. McDowell	Lake Circle Drive	Tullahoma	Tullahoma H.S.	Creed McClure	
Texas:					
Eduardo T. Esparza	1520 Lyon	Laredo	Martin H.S.	F. L. Pena	J. W. Edgar, Austin.
Raymond M. Hampton	1824 Mary Ellen	Pampa	Pampa H.S.	H. Cameron Marsh	
Utah:					
LeGrand R. Curtis	4373 South 23d St.	Salt Lake City	Olympus H.S.	John Larsen	T. H. Bell, Salt Lake City.
Linda Waters	2424 South 8th East	do.	South H.S.	Douglas F. Williams	
Vermont:					
Margaret Gustenhoven	115 Birch Street	Island Pond	North Country Union H.S.	Russell Heath	Harvey B. Scribner, Montpelier.
Dwayne S. Roberts		Chelsea	Chelsea H.S.	Melvin C. Somars	
Virginia:					
Blair M. Gardner	Box 496	Ashland	Patrick Henry H.S.	A. W. Turner, Jr.	Woodrow W. Wilkerson, Richmond.
Joseph Lee Bishop	578 Market Street	Harrisonburg	Harrisonburg H.S.	C. B. Dix, Jr.	
Washington:					
Pamela J. Alexander	306 E. 10th, Apt. 1	Olympia	Wm. Winlock Miller H.S.	Don Bunt	Louis Bruno, Olympia.
Monte Jay Huntsman	533 Castle Drive	Moses Lake	Mola H.S.	Del Miholland	
West Virginia:					
Barbara Lee Ayers	9 Willoughby Ave.	Huntington	Huntington East H.S.	Herbert L. Nutter	Rex M. Smith, Charleston.
George Lynn Hess	648 Callen Ave.	Morgantown	Morgantown H.S.	J. Edwin Jenkins	
Wisconsin:					
Kenneth L. Judd	R. R. No. 1	Mount Horeb	Mount Horeb H.S.	Glenn Spaay	William C. Kahl, Madison.
Reed Charles Groethe	518 Harrison Boulevard	Wausau	Wausau East H.S.	James Bollinger	
Wyoming:					
Maurya Ann Meenan	3070 East 4th	Casper	Kelly Walsh H.S.	William Sullins	Harry Roberts, Cheyenne.
Robert J. Drazovich	1110 Edgar Street	Rock Springs	Rock Springs H.S.	Robert Wallendorff	

ESCORT OFFICERS—1970 SENATE YOUTH PROGRAM

U.S. MARINE CORPS

Senior Escort Officers

Captain Dennis R. Vandervoort 092464, Marine Corps Educational and Development Center, Quantico, Virginia 22134.

Captain Jacquelyn J. Alvord 086034, Headquarters, United States Marine Corps (Code AR), Washington, D.C. 20380.

Escort Officers

1st Lieutenant John P. Kiley 104248, Marine Barracks, 8th and I Streets, Washington, D.C. 20390.

1st Lieutenant Robert A. Packard 102607, Marine Barracks, 8th and I Streets, Washington, D.C. 20390.

2nd Lieutenant Cathrine A. Campbell 0110684, Headquarters, United States Marine Corps (Code A02), Washington, D.C. 20380.

U.S. ARMY

Escort Officers

2nd Lieutenant Atlas R. Yates 216–42–6473, Company B, 1st Battalion, 3rd Infantry, Fort Myer, Virginia 22211.

2nd Lieutenant Michael J. Pierson 382–44–3728, Headquarters Company, 1st Battalion, 3rd Infantry, Fort Myer, Virginia 22211.

2nd Lieutenant Frances E. Harding, Headquarters Company, (WAC), U.S. Army, Fort Myer, Virginia 22211.

U.S. NAVY

Escort Officers

LTJB Rosemary L. Berner 740487(W)/1100, Headquarters, Naval Systems Command Air, Washington, D.C. 20360.

LTJG Rachelle A. DeHoff 744003(W)/1105, Naval District Washington, Washington, D.C. 22204.

LTJG Robert C. Kirsch 742696/1355, Bureau of Naval Personnel, Washington, D.C. 22360.

U.S. AIR FORCE

Escort Officers

2nd Lieutenant Richard A. Pavel, 1st Composite Support Group (BA), Andrews Air Force Base, Maryland 20331.

1st Lieutenant Tom S. Clark, Jr., Assistant Chief, Personnel Office, 1100 AB Wing, (HQ Command, USAF) (CBPO–PA) Bolling Air Force Base, D.C. 20332.

2nd Lieutenant Jimmie Kaye Bair, Malcolm Grow USAF Medical Center, Box 2327, Andrews Air Force Base, Maryland 20331.

DEPARTMENT OF DEFENSE PROJECT OFFICER

Lieutenant Colonel Wayne B. Sargent, U.S. Army, Office of the Director for Community Relations, Office of the Assistant Secretary of Defense, Public Affairs, The Pentagon, Room 1 E 776, Washington, D.C. 20301.

MAJ. GEN. GEORGE GELSTON

Mr. TYDINGS. Mr. President, the death of Maj. Gen. George Gelston, commander of the Maryland National Guard, is a tragic loss for his family and for the State of Maryland.

General Gelston earned national praise and the gratitude of all Maryland with his sensitive handling of racial clashes in Baltimore and Cambridge, Md.

I ask unanimous consent that an article published in the Washington Evening Star be printed in the RECORD.

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

GENERAL GELSTON, LEADER IN CALMING RIOTS, DIES

(By Richard Slusser)

Maj. Gen. George Morris Gelston, 57, the military man who emerged as the peace-making hero of racial disorders in Cambridge and Baltimore, died yesterday in a Chicago hospital of complications from a heart ailment.

Gen. Gelston, commander of the Maryland national Guard drew national praise for restoring order in Cambridge during the 1963 and 1964 clashes.

He was also commended by many Baltimore city and civil rights groups for averting bloodshed there during the six months in 1966 he was police commissioner of the city.

Gen. Gelston had been ill for several months.

MANDEL CITES COURAGE

In a statement released yesterday Maryland Gov. Marvin Mandel said Gen. Gelston's "selfless and courageous leadership—combined with his deep sense of honor and order—held together many Maryland communities through some of their grimmest days." He continued:

"And through the years, Gen. Gelston remained a military figure who was truly dedicated to maintaining peace, not war. His decency, understanding and concern for the protection of all Maryland's citizens were an inspiration within our state and our nation."

PILOT IN WORLD WAR II

Gen. Gelston was a salesman for Coca-Cola in 1935 and in 1942 entered federal military service as a volunteer officer candidate. Later that year he was rated as liaison pilot. He served 14 months in Europe during World War II, flying Piper Cubs to spot enemy artillery. He was with the V Corps in Czechoslovakia on VE Day.

In 1948 he joined the National Guard after two years as a labor negotiator for Bethlehem Steel. He was state air defense officer in Maryland and commanding officer of the guard's headquarters detachment before he was made brigadier general in 1962.

Gen. Gelston, who had been assistant ad-

jutant general of Maryland under Lt. Gen. Milton A. Reckord, was selected to command the National Guard force sent into Cambridge at the outbreak of racial trouble in 1963.

"EXCEPTIONAL MAN"

Gen. Gelston imposed a curfew, banned the sale of alcoholic beverages and prohibited demonstrations in the Eastern Shore town, and enforced martial law with equal firmness toward both sides.

He received the Baltimore Advertising Club man-of-the-year award in 1964 and the same award from the Press Reporters Association the next year.

The Star, in a 1964 editorial, praised Gen. Gelston for his exemplary conduct of the Guard. "During the moments of greatest tension and danger, the brunt of the pressure fell squarely on his shoulders. At times, his personal dignity and force of character weighed heavier even than the military force he commanded. More than once these traits earned him the admiration and, more importantly, the respect, of both sides . . . This is an exceptional man."

Gen. Gelston was named adjutant general on Jan. 1, 1966, and later that month was named temporary commander of the Baltimore police after the department had received sharp criticism from an international organization.

SUMMER OF DISORDER

Soon after taking the police job, Gen. Gelston was faced with another summer of racial disorder. Not only had the Congress of Racial Equality chosen Baltimore as a summer "target city," but the Ku Klux Klan and the National States Rights Party planned counter-demonstrations there.

Although the ghettos of Cleveland, New York, Chicago, Omaha and Los Angeles erupted after the July 4 national convention of CORE in Baltimore, Baltimore underwent a cooling-off period.

"I'm knocking on wood, and I fully realize that something could be the trigger, but I really think we're over the hump," Gen. Gelston said. He returned to his post of adjutant general in September 1966.

DISCOUNTED OUTSIDE ROLE

In 1967 Gen. Gelston, in testimony before the Senate Judiciary Committee, discounted the role of outside agitators in racial clashes. "I think it to be a sweeping and inaccurate generalization to determine that an outsider . . . necessarily creates disorder," he said.

Gen. Gelston received many other awards, was named the outstanding citizen of Baltimore in 1966, and received other awards from other city, state and national organizations.

He leaves his wife, the former Jean Houck, and two daughters, Susan, and Ann, all of the Lutherville, Md., home, and a son, Hugh, of North Carolina.

TRAGIC SPREAD OF USE OF HARD DRUGS

Mr. HARRIS. Mr. President, recently we have all become increasingly aware of the rapid and tragic spread of the use of hard drugs, particularly heroin, among youths of high school age and even younger. This subject has received greatly expanded coverage in the press. I invite the attention of the Senate to two timely contributions: one, a column written by Marquis Childs, and published in the Washington Post of January 18; the other, an article published in Life magazine for February 20, 1970. The common theme which runs through these and other articles on this topic is the inadequacy of our current efforts to arrest the spread of heroin addiction and to rehabilitate those who are already users.

In most communities, there is now little choice except to turn youthful addicts over to the police since no facilities or programs exist to provide the help that those afflicted so desperately need. Surely the resources it would take to develop adequate treatment programs, including special facilities in city and county health clinics across the country, would be but a fraction of the gain which could be realized by returning these youths to an active and constructive life. Since it has been estimated that the daily cost to the addict of supporting his habit is $30 to $150, almost all addicts eventually turn to crime to obtain the needed funds. This means that an addict steals goods worth three to four times these amounts, since the goods must be fenced. The amount of crime that is directly drug-related is staggering. It has been estimated by Mr. Childs that theivery by heroin addicts in New York adds up to $2 billion worth a year, and another estimate places the years loss in the District of Columbia at $450 million. If programs can be developed which attack the addiction problem on a major scale, we would not only realize the advantages of returning many of these youths to useful endeavors, but we would all benefit from a substantial reduction in crime in our cities.

We need legislation which will make it possible to begin a concerted attack on this problem. The recent passage of the Community Mental Health Centers Amendments of 1969 provides a beginning, and more needed provisions would be authorized by the passage of a pending bill, S. 2608, introduced by the distinguished senior senator from Texas, (Mr. YARBOROUGH). At present, we lack facilities, funds, trained personnel, and complete knowledge in this field. We cannot, in my estimation, delay any longer in correcting these deficiencies. We must provide education and information, medical treatment, help for parents, and counseling for young addicts, as a minimum beginning.

Whether one looks at the problem in gross terms of the number of lives that are wasted or the amount of crime that results from heroin addiction, or in the individual context of the anguish of one young addict, as the Life story does, we can hardly deny that there is a great need for action. The time to begin that action is now.

I ask unanimous consent that the two articles which so usefully highlight the tasks we face in this field be printed in the RECORD.

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

USE OF HEROIN BY THE YOUNG IS A TERRIFYING PHENOMENON

NEW YORK.—The young carolers who stood in the gathering twilight last Christmas Eve were singing in memory of the 210 teenagers who killed themselves in New York in 1969 with overdoses of heroin. The carolers themselves, outside the Mayors' Gracie Mansion and the Fifth Avenue apartment house where Gov. Nelson Rockefeller lives, were from Odyssey House where as former addicts they were being helped to kick the habit.

The rapid spread of the heroin habit among youngsters—12, 13 and 14 years old—is a terrifying phenomenon. While it is more prevalent and more conspicuous in the city of enormous contrasts of wealth and poverty, there is reason to believe that the use of the most dangerous of hard drugs is spreading in many urban centers.

The dimensions of this sinister growth are hard to come by and must be at best estimates. Mayor Lindsay's specialists in drug abuse put the number of heroin addicts in the city at 100,000. Although this includes some upper- and middle-class youths, they come mostly out of poverty as reflected by the estimate that 50 per cent are blacks and 25 per cent are Puerto Ricans.

The arithmetic of the habit is almost as terrifying as the addiction itself. The daily series of fixes for each addict costs *from $50* to $70. To get that amount by theft means stealing roughly $400, since by the time merchandise passes through a fence the thief receives one-fourth of its value. The guess is that the thievery of New York heroin addicts adds up to $2 billion a year.

The city is making a strenuous effort to curb the habit and cure its victims. At present 63 treatment centers are operating and 12 more will be opened by June. They are staffed by more than 400 trained personnel, half of them former addicts. The long and painful cure means hardly less than restructing a life that has been all but eroded away by the drug. Hopefully, this can be accomplished in a year and a half to two years.

No one pretends for a moment that the attack on the evil is anything but pitifully inadequate. A volley of criticism is directed by Mayor Lindsay and those directly concerned with the drug problem at both Washington and Albany for failing to provide funds to expand present programs. Peter Goldmark, one of the mayor's aides, says bitterly that the cost overrun—not the cost but the cost overrun—of the new Air Force plane, the C5A, would be sufficient to treat every addict in the city.

The Nixon administration is initiating the first real breakthrough to try to stop the flow of heroin into the country. The number of agents of the Bureau of Narcotics and Dangerous Drugs overseas, which has been absurdly small, is being doubled to 70 positions—still very small when measured against the possibility of tracing shipments and alerting port authorities in the United States. Turkey, the principal source of the opium from which heroin comes, is getting a $3,000,000 loan from AID to pay Turkish farmers to grow crops other than the poppy.

The tentacles of the drug traffic are deep in the underworld of a half-dozen countries because the illicit profits are so fantastic. A kilo (2.2 pounds) of heroin on the dock at Marseilles, the center of manufacture and refinement, costs $5,000. Smuggled into New York or another port of entry it is worth up to a half-million dollars.

Conceding the Nixon administration's first real effort to reduce the traffic, those fighting the spread of the heroin curse fear the program will of necessity be laggard and inadequate. As the demand for the drug grows, so will the determination and the resourcefulness of those who profit so hugely from it.

In a fourth to a third of New York City's public high schools education is a myth and custodial care a constant struggle. In these schools a kind of Bourse reflects the daily price of a heroin fix as peddlers move through the halls. Here are the graduates into hell—the hell of addiction, crime and early death.

ADDICTS HAVE SHOWN THEY WANT HELP, BUT WHO WILL GIVE IT?

Tom is one of 1,500 heroin addicts among the 20,000 high school students in his city, where worried social workers estimate that as many as one of every two students has tried hard drugs or still uses them occasionally.

Yet the schools have no effective educational or rehabilitation programs. At the high school with the most serious heroin problem, the principal says that he would be powerless if a student came to him asking for help in kicking a habit: "I'd have to call the juvenile authorities if anything illegal had been done." The head of the city's narcotics squad maintains "nothing" is being done to stop young people from using hard drugs. "I'm not even sure enforcement is the answer. We go around the schools, talk about legalities, penalties and so forth and the kids say, 'You do your thing with liquor, why can't we do ours with drugs?' "

Yet the addicts themselves, and their friends, know they need programs. A new educational and rehabilitation center, manned by five young counselors, all ex-addicts, receives 500 visits and 500 phone calls each week from teen-agers curious about, using or addicted to hard narcotics. The counselors visit schools and give talks. "I don't have much faith in these talks, though," one counselor said. "Kids listen to other kids. Once they stop believing that the guy who can score [obtain narcotics] is a hero, and when junk is neither in nor cool, then that might do it. But it'll take a couple of years."

Until recently, only one doctor in the whole city was willing to treat heroin addicts. Despite his partner's initial objections and the warnings of other doctors ("Most of them were worried about scaring away their smart patients. And there isn't much money in this"), he did prescribe treatment for young addicts and is currently treating about 60. His therapy involves the use of methadone, a morphine substitute that satisfies the addict's psychological and physiological craving for heroin with a similar but milder high. At the same time it allows him to work effectively. Methadone is addictive but, under supervision, can be more easily kicked.

"You can't preach to these kids," the doctor says. "If and when they come to me and say they want to kick, I help them medically. But I make one rule: they must say goodby to all their friends. Junkies have junkie friends. With friends like that they'll never make it."

"I Don't Care About a Damn Thing, Except Where My Next Hit Is"

Tom's days are carefully scheduled to accommodate his hits: at 7 a.m. he takes his first in his room; at 11:10 he leaves school on a lunch pass and drives out alone to the desert; at 4 p.m. he goes to a friend's house and then returns home for supper; at 10 p.m. he heads back to friends or out to the desert. Tomorrow is always the same.

Like most heroin addicts, Tom is totally self-contemptuous: "Since I became a junkie"—he doesn't hedge about that—"my grades are down because I can't stay awake in school. I've lost a chance I had for a football scholarship to college. College—right now I won't get there at all. I used to have a lot of friends, I used to laugh a lot and go out with girls. I had a good time in those days, man. Now I'm just plain dull. All I do is sit around and watch television. (You ever watch *Dark Shadows*, man? All junkies dig *Dark Shadows*.) The friends I've got now are all junkies like me, and I wouldn't care if I never saw them. I don't care about a damn thing, except where my next hit is coming from."

Even in the Southwest, where prices are relatively low, the two grams of slightly cut Mexican heroin Tom uses every day are worth at least $30. His parents, who both hold responsible jobs, give him $20 a week. "I don't know where I get the money. Before I was on junk I had the same and was always broke. Now I hustle and I usually get it. Sometimes I'll buy two grams for $30 or $50, cut it, put it into eight or nine dime ($10) bags and sell it again. I've never smuggled and I've never stolen anything. I'd sooner kick than that. Stealing from people isn't cool." Most of his deals are set up in and around the school. The actual buys take place at various homes.

For all his protestations that heroin is bad—"Man, I'd hate to see somebody take that first hit"—he, like almost every other high school addict, has initiated new addicts to provide himself with a sales source.

Tom has been on heroin for about 10 months. He graduated from beer and wine ("I was a juice freak once. I got drunk before school while my friends turned on"), pills, LSD and speed. He took his first heroin shot with friends one day after school: "They were doing it, so I did." One of them helped him get that first needle direct into the vein.

At 7 a.m., with utmost precision, Tom prepares half a gram of heroin, draws it up into a hypodermic and injects it into his arm. Then, leaving his room, he calls goodby to his parents and sister, who are still finishing breakfast, and sets off for school.

At 17, a high school senior in a Southwestern city, Tom is a victim of the heroin epidemic, using two grams a day. Once strictly a ghetto malady, a product of poverty and hopelessness, heroin addiction is moving with appalling speed into new territory: smaller towns and cities, middle- and upper-class homes, younger and younger age groups. Dr. Donald Louria, a pioneer expert on drug addiction, went so far as to predict to a seminar recently that within a couple of years "every high school and college in the country will be inundated by heroin." Another speaker suggested that 40% to 60% of elementary students would soon be frequent users of marijuana and hard drugs. Last year, in New York City, 224 deaths from overdose were reported among teen-age and younger children.

Heroin is easily purchased in the corridors of many schools. Both as a symbol of rebellion and as a means of escape, hard drugs have become dangerously fashionable. Since student users usually also deal in order to finance their own expanding habit, they encourage their friends to become addicts. Almost nothing is being done in response. Attempts by the federal government to stem the flow of heroin into the country have not worked, and federal contributions to drug education total only $1.4 million a year. Few states or local authorities have adequate programs. Even in New York City, which has an estimated minimum of 20,000 addicts aged 19 and under, there is no state- or city-funded rehabilitation program specifically designed for teen-agers.

Tom, whose life as a heroin addict, is pictured on these and following pages, wishes to God he had never started. He might feel even more strongly if he were aware of the statistics: less than 10% of heroin addicts ever successfully kick the habit; the rest usually end in jail or die as derelicts.

ENVIRONMENTAL QUALITY: SENATOR WILLIAM S. JAMES OF MARYLAND MOVES TO PROTECT THE BAY

Mr. TYDINGS. Mr. President, as noted by the National Commission on Marine Science, Engineering, and Development, the lack of proper planning along our shoreline has contributed substantially to the deterioration of the coastal zone resource. The Commission recommended a Federal program to encourage State coastal management programs. On February 17 I introduced legislation, S. 3460, to establish this Federal program.

Of greater significance, however, is action taken by the States themselves to develop such programs. The first step is the development of a master plan for the shoreline of the State. It is most noteworthy, I feel, when a State moves ahead on its own, without Federal incentives, to develop such a plan. I thus wish to call attention to three bills introduced in the Maryland Senate by the distinguished president of the State senate, William S. James, of Harford County.

The bills call upon the Department of Natural Resources to develop a comprehensive master plan for Maryland's shoreline. They provide that the board of public works shall not convey any land owned by the State due to its relationship to the waters of the State to nonriparian owners without first consulting with the department and holding public hearings. Finally, they seek to protect State wetlands by prohibiting their sale without a license from the board which must receive a report from the Department of Natural Resources. I support the thrust of these bills and congratulate Senator James on their introduction.

Mr. President, to those familiar with Maryland affairs it comes as no surprise that Senator James has introduced them. Bill James is a legislator's legislator. Soft-spoken, thoughtful, and a true gentleman, he presides over the Senate with both dignity and efficiency. As a resident of Harford County myself, I am aware of his particular expertise in fiscal and conservation matters and feel well represented in the State senate.

I ask unanimous consent that Maryland Senate bills S. 98, 179, and 181, introduced by Senator William S. James, be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the Record, as follows:

98. A bill entitled an act to add new Sections 718 through 723 to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof and to be under the new subtitle "Shoreline Planning," to provide for the preparation of a master plan and zoning standards and criteria for the regulation of shorelines and cooperation between the State and its subdivisions concerning the effectuation of the plan and standards and generally dealing with the protection of the shorelines and adjacent waters in the State of Maryland

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 718 through 723 be and they are hereby added to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof and to be under the new subtitle "Shoreline Planning," and to read as follows:

Shoreland Planning

718. Purposes

The General Assembly of Maryland finds and declares that the development of a master plan for the use and enjoyment of shorelands bordering its navigable waters is essential for the efficient use, conservation, development, and protection of those waters upon which the public health, safety, convenience, and general welfare are dependent. The purposes of the master plan shall be to further the maintenance of safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, shellfish, marine and aquatic life; conserve wildlife; control building sites, placement of structures, and land uses; and to

reserve shore cover and natural beauty.

719. Territorial Jurisdiction

"Shorelands" means all land within 300 feet from any navigable waters, rivers, or streams in the State of Maryland.

EXPLANATION.—*Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

720. Master Plan

The Department of Natural Resources shall prepare a comprehensive master plan as a guide for the preventative control of pollution by regulating the use of shorelands bordering navigable waters of the State of Maryland. The plan shall be based on a use classification of navigable waters and their shorelands, and it shall be designed for the application of zoning regulations to prevent water pollution; to conserve marine life and wildlife, and to conserve shore cover and natural beauty under the authority of Article 66B of the Annotated Code of Maryland or powers granted to counties under charters adopted pursuant to Article XI-A of the Maryland Constitution. As the development of the master plan progresses, the department may from time to time adopt and publish a part or parts thereof. The department shall periodically review its plan and make appropriate amendments.

721. Zoning Regulations

The Department shall prepare and provide for Baltimore City, counties, and municipalities general recommended standards and criteria for zoning regulations and their administration. Such standards and criteria shall give particular attention to safe and healthful aquatic recreation; the demands of water traffic, boating and water sports; the capability of water resources; requirements necessary to assure proper sanitary services, including septic tank disposal, near navigable waters, building setbacks from navigable waters; preservation of shore growth and cover; conservancy uses for low lying lands and wetlands; shoreland layouts for residential, commercial, and industrial development; and recommendations for effective administration of such regulations.

722. Duties of Department of Natural Resources, State Agencies, and Local Governments

The Department, all State agencies, Baltimore City, counties, and municipalities shall mutually cooperate to accomplish the objectives of this subtitle. To that end the Department shall consult with elected officials and the planning commissions of the subdivisions and the Department of State Planning to secure voluntary implementation of its master plan in so far as practicable, and it shall extend all possible assistance therefor. In the event a State Agency or a subdivision refuses to cooperate to achieve the purposes of this subtitle, the Secretary of the Department of Natural Resources shall report such refusal to the Governor and the General Assembly with his recommendations for appropriate State action.

723

Shoreland Planning Division. For the purpose of administration of this subtitle, the Secretary may create a Shoreland Planning Division with such personnel as may be provided in the State budget.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

179. A bill entitled an act to add new Section 15A to Article 78A of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Works," subtitle "Board of Public Works," to follow immediately after Section 15 thereof, pertaining to conveyances by the Board of Public Works of interests in lands owned by the State due to their relationship to the waters of the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 15A be and it is hereby added to Article 78A of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Works," subtitle "Board of Public Works," to follow immediately after Section 15 thereof, and to read as follows:

15A

"(a) The Board of Public Works shall not convey any interest in land owned by the State due to its relationship to the waters of the State to any person other than the riparian owner or proprietor of the land abutting the land being conveyed. The Board may only make such a conveyance after seeking the advice of the Department of Natural Resources; appropriate agricultural agencies, including the Maryland Agricultural Commission and the Agricultural Stabilization and Conservation Committee of the county in which the land is located; and other interested Federal and State agencies, as to the possibility of detrimental effects to the natural resources and agricultural resources of the area. Prior to such a conveyance, there must be a public hearing with proper notice in the county in which the land is located, after which a written decision must be rendered by the Board justifying its action. This document shall be mantained in the permanent records of the Board and be open to public scrutiny.

"(b) The provisions of the section shall not effect the title to interests conveyed by the State prior to July 1, 1970 by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Maryland Constitution.

"(c) The provisions of this section shall not deprive any riparian owner or proprietor of any riparian rights, privilege to enjoyment that he had prior to July 1, 1970.

"(d) The provisions of this section shall not affect the provisions of 15A and 15B of the Code of the Public Local Laws of Worcester County."

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

Explanation.—*Italic indicates new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

An act to add new Sections 718 through 731, inclusive, to Article 66C of the Annotated Code of Maryland, 1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof, and to be under the new subtitle "Wetlands"; and to repeal Section 485 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume), title and subtitle, "Crimes and Punishments," subheading "Rivers, Harbors, etc."; and to repeal Sections 45, 46 and 47 of Article 54 of the Annotated Code of Maryland (1968 Replacement Volume), title "Hall of Records," subtitle "Land Patents," to provide a State policy for the preservation of wetlands in the State; to regulate the filling and dredging of wetlands; to authorize the Secretary of Natural Resources to prohibit certain activities on specified wetlands; to provide for an inventory of wetlands; to provide certain protections to riparian owners; and generally dealing with both State and private wetlands; and to repeal sections generally dealing with the removal of sand and gravel, ownership of accretions, improvements on lands bounding navigable waters, and the liability of riparian owners, with the general context of said sections to be incorporated into the new Sections 718 through 731, inclusive

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 718 through 731, inclusive, be and they are hereby added to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof, to be under the new subtitle "Wetlands," and all to read as follows:

WETLANDS

In General

718

It is declared that in many areas of the State much of the wetlands have been lost or despoiled by unregulated dredging, dumping, filling, and like activities, and that the remaining wetlands of this State are in jeopardy of being lost or despoiled by these and other activities; that such loss or despoilation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoilation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoilation will, in most cases disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoilation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this State to preserve the wetlands and to prevent the despoilation and destruction thereof.

719

(a) "State wetlands" means all land under the navigable waters of the State below the mean high tide, which is affected by the regular rise and fall of the tide. Such wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, shall be considered "private wetland" to the extent of the interest so transferred.

(b) "Private wetlands" means all lands not considered "State wetlands" bordering on or lying beneath tidal waters, which are subject to regular or periodic tidal action and which support aquatic growth. These include wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, to the extent of the interest so transferred.

(c) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from State or private wetlands affected by the regular ebb and flow of the tide.

(d) "Filling" means either the displacement of navigable waters by the deposition into wetlands affected by the regular ebb and flow of the tide of soil, sand, gravel, shells or other material; or the artificial alteration of navigable water levels by physical structures, drainage ditches or otherwise.

(e) "Person" means any natural person, partnership, joint stock company, unincorporated association or society, or the State and any agency thereof, or municipal or political subdivisions or other corporation of any character whatsoever.

State Wetlands

720

The owner of land bounding on navigable waters shall be entitled to all natural accretions to said land and to make improvements into the waters in front of said land for the purposes of preserving his access to navigable water or for protecting his shore against erosion. After an improvement has been constructed, it shall become the property of the owner of the land to which it is attached. None of the rights covered under this subheading shall exclude the owner from developing other uses as approved by the Board of Public Works.

721

It shall be unlawful for any person to dredge or fill on State wetlands, except to the extent that he has been issued a license to do so by the Board of Public Works. The provisions of this section shall not apply to the dredging of seafood products by licensed operators or the harvesting of seaweed or other mosquito control and abatement or the improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate agricultural agency. In order to aid the Board of Public Works in the determination of whether a license to dredge State wetlands should be issued, the Secretary of Natural Resources, after consultation with interested federal, state and local agencies and appropriate agricultural agencies, and after taking of such evidence and holding of such hearings as it thinks advisable, shall submit a report indicating whether the license should be granted and, if so, the terms, conditions and consideration which should be required. The Board of Public Works shall then decide if issuance of the license is in the best interests of the State, taking into account the varying ecological, economic, developmental, recreational and aesthetic value each application presents, and if it so decides, shall issue a license for such consideration, and according to such terms and conditions as it deems advisable. All licenses shall be in writing. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, fined not more than one thousand dollars ($1,000).

Private Wetlands

722

Notwithstanding any rule or regulation promulgated by the Secretary of Natural Resources for the protection of private wetlands, the following uses shall be lawful on those lands included in the Secretary's inventory of private wetlands:

(1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife.

(2) Trapping, hunting, fishing, and shellfishing where otherwise legally permitted.

(3) Exercise of riparian rights to make improvements to lands bounding on navigable water to preserve access to such navigable waters or to protect the shore against erosion.

Private Wetlands

723

The Secretary of Natural Resources, with the advice and consent of the Maryland Agricultural Commission and in consultation with the appropriate agencies within the affected political subdivisions, many from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, promulgate rules and regulations governing dredging, filling, removing or otherwise altering or polluting private wetlands. The Agricultural Commission, within sixty days of receiving any proposed rules and regulations from the Secretary, shall convey its decision concerning the adoption or rejection of such rules and regulations to the Secretary; and if this is not done, such rule or regulations shall be considered approved by the Commission. Such rules and regulations may vary as to specific tracts of wetlands because of the character of such wetlands.

724

The Secretary shall promptly make an inventory of all private wetlands within the State. The boundaries of such wetlands shall be shown on suitable reproductions or aerial photographs to a scale of one inch equals two hundred feet with such accuracy that they will represent a class D survey. Such maps shall be prepared to cover entire subdivisions of the State as determined by the Secretary. Upon completion of the tidal wetlands boundary maps for each subdivision and adoption of proposed rules and regulations governing activities on such wetlands as provided by Section 723, the Secretary shall hold a public hearing in the county of the affected wetlands. The Secretary shall give notice of such hearing to each owner of record of all lands designated as wetland as shown on such maps, by registered mail not less than thirty days prior to the date set for such hearing. The notice shall include the proposed rules land regulations. The Secretary shall also cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for such hearing in a newspaper or newspapers published within and having a general circulation in the county or counties where such wetlands are located. After considering the testimony given at such hearing and any other facts which may be deemed pertinent and after considering the rights of affected property owners and the purposes of this subheading, the Secretary shall establish by order the bounds of each of such wetlands and the rules and regulations applicable thereto. A copy of the order, together with a copy of the map depicting such boundary lines, shall be filed among the land records in all counties affected after final appeal of such, if any, has been completed. The Secretary shall give notice of such order to each owner of record of all lands designated as such wetlands by mailing a copy of such order to such owner by registered mail. The Secretary shall also cause a copy of such order to be published in a newspaper or newspapers published within and having a general circulation in the county or counties where such wetlands are located.

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Any person having a recorded interest in land affected by any such rules and regulations, may appeal the rules and regulations and the designation of his land within the inventory to the Board of Review of the Department of Natural Resources as provided by Section 237 of Article 41 of the Annotated Code. This proceeding shall be held in the county in which the land is located, and the Board shall view the land in question. If such person is dissatisfied with the decision of the Board, he may, within ninety days after receiving notice thereof, petition the circuit court in the county in which the land is located to determine whether such rules or regulations so restrict the use of his property as to deprive him of the practical uses thereof and are therefore an unreasonable exercise of the police power, because the order constitutes the equivalent of a taking without compensation. The court in a jury trial at the election of either party shall hear the case de novo without the rights of removal and the appeal shall not be subject to the provisions of the Administrative Procedure Act. In weighing the appropriate exercise of the police power, the court shall consider the importance of the land to marine life, shell fish, wildlife, prevention of siltation, floods and other natural disasters, the public health and welfare, and the public policy set forth in this subheading. If the court find the ruling to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such ruling shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The Secretary shall cause a copy of such finding to be recorded forthwith in the land records. The decision of the Circuit Court may be appealed by either party to the Court of Appeals.

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Any person proposing to conduct an activity not permitted upon any wetland shall file an application for a permit with the Secretary, in such form and with such information as the Secretary may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The Secretary shall cause a copy of such application to be mailed to the chief administrative officer in the county or counties where the proposed work or any part thereof is located. No sooner than thirty days and not later than sixty days after receipt of such application, the Secretary or his duly designated hearing officer shall hold a public hearing in the county where the land is located on such application. The Secretary shall cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in a newspaper published within and having a general circulation in each county where the proposed work, or any part thereof, is located. All applications and maps and documents relating hereto shall be open for public inspection at the offices of the Secretary, and the chief administrative officer in the county. At such hearing any person or persons may appear and be heard. No person may make such an application within eighteen months of the denial of a prior application for the same type permit or the final determination of any appeal of such denial.

In granting, denying or limiting any permit, the Secretary or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, economic benefits, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in this subtitle. In granting a permit the Secretary may limit or impose conditions or limitation designed to carry out the public policy set forth in this subtitle.

The Secretary may require a bond in an amount and with surety and conditions satisfactory to it securing to the State compliance with the conditions and limitations set forth in the permit. The Secretary may suspend or revoke a permit if the Secretary finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The Secretary may suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application. The Secretary shall state upon his record, his findings and reasons for all actions taken pursuant to this section. The Secretary shall cause notice of his order in issuance, denial, revocation or suspension of a permit to be published in a newspaper published within and having a circulation in the county or counties wherein the wetland lies. An appeal of the order may be taken to the Board of Review of the Department of Natural Resources as provided by Section 237 of Article 41 of the Annotated Code by the applicant or the county or municipal government in which the land is located. This proceeding shall be in the county where the land is located and the Board shall view the affected land.

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Any party to the appeal to the Board of Review may take an appeal within ninety days after the decision of the Board of Review to the circuit court in the county in which the land is located. The court in a jury trial at the election of either party shall hear the case de novo without the right of removal, and the appeal shall not be subject to the Administrative Procedure Act. If the court finds that the action appealed from is an unreasonable exercise of the police power, it may set aside or modify the order.

The court may order the State to pay court costs due because of any appeal made pursuant to Section 725 or 728, if it finds that the financial situation of the person so appealing warrants such action.

730

Any person who violates the rules and regulations validly promulgated by the Secretary or any provisions of this subheading shall be punished by a fine of not more than one hundred dollars ($100.00) or imprisonment for not more than one (1) month, or by both such fine and imprisonment. Any person who knowingly violates the said rules and regulations or any provision of this subheading shall be liable to the State for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is possible. The Circuit Court for the county or the Superior Court of Baltimore City shall have jurisdiction in equity to restrain a violation of this subheading at the suit of the Department of Natural Resources of the State of Maryland, or of any duly authorized agency or officer thereof.

Riparian Rights

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It is the intent of this subtitle that no riparian owner shall be in any way deprived of any rights, privileges or enjoyment of such riparian ownership that he had prior to July 1, 1970, except as specifically provided by the provisions of this subtitle, and that the provisions of this subtitle not be construed to transfer the title or ownership of any lands or interest therein.

SEC. 2. *And be it further enacted,* That Section 485 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume), title and subtitle "Crime and Punishments," subheading "Rivers, Harbors, etc." be and it is hereby repealed, and that Sections 45, 46 and 47 of Article 54 of the Annotated Code of Maryland (1968 Replacement Volume), title "Hall of Records," subtitle "Land Patents," be and they are hereby repealed.

SEC. 3. *And be it further enacted,* That the provisions of this Act shall in no way affect the provisions of Sections 15A and 15B of the Code of Public Local Laws of Worcester County and the provisions of these sections shall remain in effect notwithstanding any provision of this Act.

SEC. 4. *And be it further enacted,* That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application, and to this end all the provisions of this Act are declared to be severable.

SEC. 5. *And be it further enacted,* That this Act shall take effect July 1, 1970.

EXPLANATION.—*Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

PRECARIOUS BALANCE

MR. PROXMIRE. Mr. President, last week I was pleased to announce to the Senate that the President was asking us to give our advice and consent to the ratification of the Human Rights Convention outlawing genocide. The President endorsed the Genocide Convention with the strong support of Secretary of State Rogers and the concurrence of Attorney General Mitchell.

The Genocide Convention has been languishing in the depths of the Foreign Relations Committee for the last 20 years—ever since the committee shelved it after the American Bar Association expressed its opposition. The Foreign Relations Committee has said that presidential backing and the support of the ABA were important prerequisites to its reconsidering the Genocide Convention.

At this moment we are slightly more than half way down the road toward fulfilling these prerequisites. The President has given the convention his full support, and meeting in Atlanta later this afternoon the ABA's house of delegates will vote on whether to give its support urging ratification.

The ABA's Section of Individual Rights and Responsibilities has recommended ratification. The bar association's Standing Committee on World Order Under Law, headed by former Attorney General Katzenbach, has unanimously recommended that ABA support ratification. And most recently the Sections on Criminal Law and International and Comparative Law have also come out in favor of ratification.

It is imperative and indeed vital that the American Bar Association acts unequivocally to support the Genocide Convention. And that support must come now; it must come today. I urge ABA to act this very afternoon and give its strong endorsement to the Genocide Convention.

LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, last week we marked the 52d anniversary of the Declaration of Independence of the Republic of Lithuania.

And, tragically, it is almost 30 years since Communist Russia—with Hitler's collusion—forcibly seized control of Lithuania, destroying that independence.

From 1918 to 1940 Lithuania stood next door to the U.S.S.R., its peace and prosperity a living contrast to the Soviet tyranny. Perhaps it was too close, and the contrast too sharp. This little country, and her neighbors, Estonia and Latvia, must have been objects of vicious envy on the parts of their Soviet neighbors.

Thus there occurred what Communist historians describe as the "annexation" of Lithuania by her giant neighbor.

Such weasel-words cannot hide the fact that Lithuania was quite simply the victim of Communist imperialism. And so it remains even unto today.

To its credit, the United States has refused to recognize this brutal subjugation of the Baltic peoples of Lithuania, Latvia and Estonia. The Lithuanian Legation is still maintained in Washington. As well, there are Lithuanian consulates in four other major American cities.

Mr. President, some will criticize this policy as unrealistic.

I commend it, and will continue to support it with every resource at my disposal.

We must never forget the crimes committed against so many peoples by Communist party leaders headquartered in Moscow.

The U.S.S.R. stands today as the most bloated, the worst example of 20th century imperialism.

And it stands unrepentant, still pointing an accusing finger at the West, even though the West has long since restored freedom to its colonies—something the U.S.S.R. has not ever done in a single instance.

The other totalitarian regimes that besmirched Europe until the end of World War II are gone, their works renounced, their cynical leaders totally discredited.

Not so in Communist Russia. The same party is in power, led by the same men, or their arrogant heirs, who participated in the purges and massacres, who subjugated whole nations, who destroyed entire cultures and religions.

One of the most dramatic ways we have of keeping their infamous deeds fresh in our memories is just this present policy of our country's continuing recognition of Lithuania.

The other is to continue to press for implementation of House Concurrent Resolution 416, agreed to by both Senate and House in 1966.

This resolution urges the President to bring the Baltic States question before the United Nations and demand that the Soviet Union withdraw from Lithuania, Latvia, and Estonia.

Mr. President, action on this Resolution would be little enough sacrifice on our part.

We have not suffered; it is rather the Baltic peoples. We have not lost our independence; it is rather Lithuania, Latvia, and Estonia.

What better cause is there than the liberty of an ancient people, whose language is the oldest in Europe today?

And what better tribute could we pay to the large numbers of Lithuanian-Americans all over these United States?

They have brought willing hands, fine minds, and a great and courageous spirit to this land.

I have marveled at their tremendous industry, their strong family ties, the depth of their religious belief.

For these reasons, Mr. President, I salute the people of Lithuania on this independence anniversary.

It will be a long struggle, but I am confident that eventually these people will know a new birth of freedom.

They have never lost hope. Neither should we.

ARMY RESPONSE TO SGT. KENT LAWTON'S SUGGESTIONS CONCERNING PROMOTION OPPORTUNITIES FOR WOUNDED VETERANS

Mr. PROXMIRE. Mr. President, a few weeks ago, after visiting Sgt. E/5 Kent Lawton, a wounded soldier from West Allis, Wis., now a patient at Walter Reed Hospital, I sent a letter to Secretary of the Army Stanley R. Resor concerning promotions for hospitalized veterans.

I was extremely pleased to learn in the Army's response that a change had recently taken place.

As regards promotion opportunities for enlisted personnel hospitalized for extended periods, the Army has very recently revised its policy pertaining to these individuals. The previous policy authorized no more than one promotion, and then only for individuals hospitalized as a result of action in a hostile fire area. The new policy applies to all individuals

in an extended hospitalization status and provides promotion consideration to each higher grade for which the individual becomes eligible.

These promotions will be competitive rather than automatic and will, therefore, require a degree of motivation to attain. Providing an individual meets the stated eligibility requirements he may be considered for promotion by hospital commanders to each grade through grade E–7. Promotion is based to a great degree on the score an individual attains on the Army-wide 1,000 Standarized Promotion Scoring Form. Effective February 1 these forms were revised to include increased emphasis on both civilian and military education skills which an individual can undertake on his own. For example, it is now possible for an individual to receive the entire 125 points allotted to military education based on successful completion of courses of his choosing under the Army's extension course program.

The Army is certainly to be commended for this change in policy, as it will now enable veterans to take better advantage of educational opportunities and give them more incentive for continuing a program of study.

Sgt. Lawton is again to be commended for his suggestions, continued determination, and remarkable attitude in spite of the great obstacles he has encountered.

I ask unanimous consent to have printed in the RECORD a letter from Col. William E. Weber, of the Department of the Army, relating to this subject.

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

FEBRUARY 16, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in reply to your inquiry concerning suggestions made by Sergeant Kent Lawton, a wounded veteran of Vietnam, for the initiation of a program to motivate wounded servicemen to take advantage of educational opportunities.

As regards promotion opportunity for enlisted personnel hospitalized for extended periods, the Army has very recently revised its policy pertaining to these individuals. The previous policy authorized no more than one promotion, and then only for individuals hospitalized as a result of action in a hostile fire area. The new policy applies to all individuals in an extended hospitalization status and provides promotion consideration to each higher grade for which the individual becomes eligible.

These promotions will be competitive rather than automatic and will, therefore, require a degree of motivation to attain. Providing an individual meets the stated eligibility requirements he may be considered for promotion by hospital commanders to each grade through grade E–7. Promotion is based to a great degree on the score an individual attains on the Army-wide 1,000 point Standardized Promotion Scoring Form. Effective 1 February these forms were revised to include increased emphasis on both civilian and military education skills which an individual can undertake on his own. For example, it is now possible for an individual to receive the entire 125 points allotted to military education based on successful completion of courses of his choosing under the Army's extension course program.

The Army agrees with Sergeant Lawton that opportunity for additional promotion is a means of motivating an individual to take advantage of available programs and has revised promotion policies accordingly.

As regards preparation for civilian life, the Army's project Transition provides top priority to disabled personnel in developing or improving salable civilian job skills. This program is operational at Walter Reed Army Medical Center.

Your interest in this matter is deeply appreciated. I trust the information provided will be of assistance to you.

Sincerely yours,

WILLIAM E. WEBER,
Colonel, GS Chief, Promotion, Separation tion and Transition Division.

DISCHARGES FROM NUCLEAR POWERPLANTS

Mr. MONDALE. Mr. President, the State of Minnesota—trying to protect its citizens—has become involved in a controversy through its strong regulations against radioactive discharges from nuclear powerplants. The safeguards go far beyond those imposed by the Atomic Energy Commission.

The New York Times, in an editorial published February 16, has taken a position similar to my own in the case. The Times questions the adequacy of AEC standards and is skeptical of the dual promotional-regulatory powers of the AEC.

Mr. President, 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:

MINNESOTA VERSUS THE AEC

The state of Minnesota is engaged in a dispute with the Atomic Energy Commission over safety standards for a nuclear power plant—a dispute that has far-reaching implications for other states seeking to protect their environment. In New York and Colorado, for example, local groups recently have raised searching questions about the adequacy of AEC precautions for nuclear installations, existing and planned.

Acting on the advice of independent scientists and concerned citizens, the Minnesota Pollution Control Agency has set rigid restrictions on radioactive discharges from a new nuclear power plant being constructed on the bank of the Mississippi River. The Northern States Power Company has filed suit, challenging the state's authority to set restrictions more rigid than those prescribed in AEC safety standards. Supporting the power company's position, Representative Chet Holifield of California, chairman of the Joint Committee on Atomic Energy, insisted the other day that the AEC has a pre-emptive right to set standards.

Minnesota's restrictions are far more severe than those of the AEC and may be open to legitimate challenge. But it is something else again to insist that Minnesota or any other state must be limited to standards laid down by any Federal agency in the precautions it may take to protect its own citizens. The standards set by Federal agencies, the AEC included, too often have been proved inadequate. Besides, as Representative Jonathan Bingham of New York pointed out at a hearing here recently, there is a conflict of interest between the AEC's regulative duties and the commission's role of promoting peaceful uses of atomic energy.

The overriding public interest in keeping the environment as free of pollution as possible would be better served if regulatory powers over nuclear installations were entrusted to a Federal agency that had no vested interest in nuclear development and if the states were given clear authority to set higher (but not lower) standards than those of the Federal Government if they so desired.

THE SUPREME COURT'S ABUSE OF POWER

Mr. ERVIN. Mr. President, the American Legion magazine of Febraury 1970 contains in its "Pro and Con" section a discussion by our esteemed minority leader and myself of the issue "Should the Powers of the Supreme Court Be Curbed?"

I took the position that the Court's powers are in need of revision through the exercise of judicial restraint by its members, who should make decisions based on what the Constitution says, not what they think it should say. And in the few days since the American Legion magazine reached its subscribers, I have received more than 300 letters from citizens who agreed with my position. These letters came from all regions of the United States and from people of all walks of life: men and women, young and old, laborers, professionals, ministers, and other concerned citizens.

Many of these people wrote long letters. And one of the points which they repeatedly made was that the Supreme Court has greatly abused its powers by requiring the busing of schoolchildren to achieve artificial pupil ratios based on race, a contrivance declared illegal by the Civil Rights Act of 1964. Moreover, there is not a single word in the Constitution which requires such foolishness. The truth of the matter is that the Supreme Court, as well as the Department of Health, Education, and Welfare, has denied to parents the right to send their children to schools of their choice.

Mr. President, I do not think that the voices of these citizens should be ignored. They are parents who want only one thing: A good education under good conditions for their children. They simply would like their children to grow up as they grew up—indeed, as all of us in the Senate grew up—with a sense of neighborhood and community. They do not want their children to be herded about like cattle, packed into noisy buses early in the morning, driven miles across a city or a county, and then returned late in the afternoon only to satisfy some bureaucrat's notion of social experimentation in Washington.

I think we should all pay attention to the sentiments in these letters, and in thousands of others like them, when we consider the Elementary and Secondary Education Act of 1970.

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

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

SHOULD THE POWERS OF THE SUPREME COURT BE CURBED?

(By Senator SAM J. ERVIN, JR.)

In recent years, public criticism of the Supreme Court has reached mammoth pro-

portions. Public confidence, which is so essential to that institution's effective operation, is at an all-time low.

In the early 18th century, Thomas Hobbes proclaimed: "Freedom is political power divided into small fragments."

In recognition of the truth of this profound principle, our Founding Fathers prudently established a government with three branches: the legislative, the executive, and the judicial. They drafted a Constitution to serve for all ages as the nation's basic instrument of government.

The power to interpret the Constitution is an awesome one, and the Founding Fathers attempted in the following manner to ensure that the role of the Supreme Court would be in practice what they dreamed on paper.

They decreed that Supreme Court Justices should be chosen carefully, and their overall aim was to make Supreme Court Justices independent of everything except the Constitution and require them to accept that instrument as the sole rule for the government of their official actions.

With the advent of the Warren Court and judicial activism, there came about a practice whereby the Supreme Court handed down decisions irreconcilable with the Constitution.

The tragic truth is that under the guise of interpreting it, the Warren Court repeatedly assigned to the Constitution meanings incompatible with its language and history.

It is obvious to those who love the Constitution and are willing to face naked reality that the Warren Court took giant strides down the road of usurpation, and that if the course set by it is not reversed, the dream of the Founding Fathers will vanish and the most precious liberty of the people—the right to Constitutional government—will perish.

Despite its perilous state, the dream of the Founding Fathers can be rekindled and the precious right of the people to Constitutional government can be preserved if those who possess the power will stretch forth saving hands while there is yet time.

Who are they that possess this saving power?

They are Supreme Court Justices who are able and willing to exercise self-restraint and make the Constitution the rule for government of their actions; Presidents who will nominate for membership on the Court persons who are able and willing to exercise self-restraint, and Senators who will reject those nominees who are either unable or unwilling to do so.

When all is said and done, the Supreme Court Justices should curb their own powers, and the citizens should be on guard to demand judicial restraint.

(By Senator Hugh Scott)

The Supreme Court has had a massive impact on the history of our nation. It is a powerful branch and under our Constitution, perhaps the branch least susceptible to its intricate network of checks and balances. Unlike the Presidency or the Congress, it is not obligated to respond to quickly changing American public opinion.

The Court has made decisions which have been greatly unpopular with large segments of our nation. I have personally disagreed with many decisions.

But the powers of the Court should not be curbed by any other method than is presently available. The Constitution has provided ways to balance the powers of the Court. The President can change its complexion, with the Advice and Consent of the Senate, by his choice of nominees. The Court has been out of balance in recent years. I favor the nomination and confirmation of a "strict constructionist"—a man who will read the Constitution as it is, and not as he would like it to be.

Another way to guide the direction of the Court without curbing its powers is by a Constitutional amendment. This is a difficult method, requiring the consent of two-thirds of each House, and ratification of the states; but nevertheless, the protection against unwise or unwarranted decisions is there. We may soon see the exercise of this method by enacting a Constitutional amendment permitting prayer in our public schools, which the Supreme Court saw fit to forbid.

Today, many want to make inroads on its power, and somehow make it more "conservative." President Franklin Roosevelt, on the other hand, only three decades ago wanted to "pack" the Court to make it see a more "liberal" light.

Depending upon the time and mood of the Court, a "strict constructionist" can be a "liberal" or he can be a "conservative." Likewise an "activist," one who sees the Constitution as a living document needing constant change and interpretation, can either be a "liberal" or a "conservative."

Thus, the present ideology of the Court or the present ideology of the country should not be allowed to pressure any change in the Court's basic structure and authority. The very ability to make unpopular decisions protects our federal system. Both ideologies have a way of changing, without any drastic and unprecedented step of curbing the Court's powers.

It would be unwise to tamper with the present powers granted the Court. Sometimes the Court has pulled ahead of the Executive and Legislative Branches, sometimes it has lagged behind. But over the years it has provided a necessary balance. Our intricate and delicate system of checks and balances must not be sacrificed to short-term views and public opinion polls.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, during my recent teach-in or preach-in on oil import policy and the dangers inherent in becoming dependent on unreliable and unstable foreign sources, I and other Senators have repeatedly called attention to the unstable and explosive situation in the Middle East and North Africa. An Associated Press article entitled "Libya Would Cut Oil if Nasser Asks," published in today's Washington Post, is further proof of just how insecure and undependable those sources could be for any appreciable supply of vital U.S. oil needs.

I am pleased to note that the President has refused to approve, without further study and congressional hearings, a task force recommendation that would have substantially increased imports from those areas.

I ask unanimous consent that the article be printed in the Record.

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

Libya Would Cut Oil if Nasser Asks

Damascus, Syria, February 22.—Libya's revolutionary leader, Col. Muammar Qadhafi, said today he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so for the Palestine cause

Qadhafi was speaking in Tripoli at his first press conference since he took over power last September. The conference was broadcast by Tripoli radio.

The colonel was asked whether Libya was willing to stop the oil flow to the West and move against vast American oil investments in his country if asked to do so by the Egyptian leader or other countries bordering Israel.

"We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine," he replied.

Asked his opinion on the spate of attacks by Palestinian guerrillas on civilian aircraft and passengers, he replied:

"Attacks on civilian targets are generally inhuman. But Israel has attacked civilian targets in Arab countries . . . Therefore we cannot hold the guerrillas to blame for attacking civilian targets."

Qadhafi said the close cooperation among Libya, Egypt and Sudan was a prelude to a federation of the three countries. But he denied reports that Egyptian troops were stationed in his country.

He answered sharply when asked whether the Mirage jets that Libya has bought from France might be made available to Egypt for use against Israel.

"I believe the motive for this question is America's fear regarding the protection of Israel," Qadhafi said. "Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt."

MRS. ALBERT GIZZARELLI, RHODE ISLAND'S MOTHER OF THE YEAR

Mr. PELL. Mr. President, recently Mrs. Albert Gizzarelli, Rhode Island's Mother of the Year, gave the parents of my State some advice which I believe should have wider circulation.

Mrs. Gizzarelli is the mother of four, and twice a grandmother, so we can be assured she speaks from experience. Her 10 commandments for parents, emphasizing that parents and children should respect one another, deserves serious consideration by all of us.

She also has some thoughts about our priorities as a nation, believing we should take care of the problems in our "homes, backyards, and cities" first.

Mr. President, I ask unanimous consent that an article about Mrs. Gizzarelli and her ideas, published in the Providence Evening Bulletin, be printed in the Record.

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

Mother of Year's 10 Commandments

(By George Popkin)

The Rhode Island State Mother of 1969 did not want her term to end without issuing a series of what diplomats would call white papers on national priorities, juvenile delinquency and the American home.

So, Mrs. Albert Gizzarelli of 665 Pleasant View Parkway turned up in the office of Atty. Gen. Herbert F. DeSimone with her typewritten thoughts, including 10 commandments for parents.

She did not get top billing from the Rhode Island State Mother Association for nothing.

But Mrs. Gizzarelli is more than an excellent seamstress, baker of cookies, bread and pizza, volunteer worker for charity, and a devoted homemaker. The tiny, dark-haired, cheerful mother of four, twice a grandmother, is concerned.

Mrs. Gizzarelli has been giving talks to senior citizens, church groups and the like since her titled existence began. She knows that once you're an ex-Mother of the Year, your audience evaporates. Her term ends May 1.

Her year as Rhode Island state mother, she said, "has been much like a beautiful mosaic, made up of many pieces. Some of the pieces are more shining and perhaps more outstanding, but all put together they make a lovely memory."

Then she turned her attention to "Mom and Dad" in a statement especially dedicated to mothers and fathers. Declared Mrs. Gizzarelli:

"We seem to have misplaced our sense of values. Self-indulgence and the principle of pleasure before duty have become a phenomenon. When young people without discipline and moral standards implanted by a stable home are thrust upon society, they react by flouting established traditions, customs and authority.

"Therefore, the first and last hope for a correction of this condition is the home. The home should be a place where discipline, tempered with love, is a habit. The proper use of discipline demands respect, and respect taught in the home extends outside the home. Let there be no mistake, an undisciplined child cannot help being maladjusted."

At another point in her dissertation, Mrs. Gizzarelli warned, "If you are permissive parents, expect trouble. Dropouts and criminals are often determined in the highchair. Ninety-five per cent of the prison inmates are dropouts."

Hard on parents, Mrs. Gizzarelli said young people are being blamed for things out of their control. "Drugs and alcohol," she observed, "are neither manufactured nor distributed by youth. Teenagers are not responsible for the rising rate of divorce. They do not elect public officials, appoint judges, or make laws."

Mrs. Gizzarelli thinks we should stop exploring the moon and solve the problems of this planet.

She said: "As long as blood still flows in Vietnam or cannon fire is heard on the Arab-Israeli border, as long as the starving drop in the utters of Biafra, while the mentally ill are unrecognized and untreated, while gang wars erupt, there will be time to reach all celestial bodies."

America, she advised, should concentrate on righting its own "homes, backyards and cities" and dispelling crime, racism, cancer and poverty before hurling astronauts into space.

Mrs. Gizzarelli listed her 10 commandments for parents as follows:

1. Thou shalt accept new ideas with faith and trust in my generation; 2. Thou shall honor the past and encourage the future; 3. Thou shalt not seek false gods of imagery and materialism; 4. Thou shalt stop, look, and listen before passing judgment; 5. Thou shall see me as one individual, not as a composite of all things you would wish me to be; 6. Thou shalt treat each man as an equal, regardless of his station in life or his skin tone; 7. Thou shalt control and discipline me, for that is an expression of love; 8. Thou shalt understand my world, if I am to respect yours; 9. Thou shalt practice what thou preacheth and; 10. Examine first from within before you can expect results from without.

Mrs. Gizzarelli has done volunteer work for the Rhode Island Heart Association, the Franciscan Missionaries of Mary, Little Sisters of the Poor in Pawtucket, St. Vincent de Paul Church, St. Pius Church and the former Home of Good Sheperd.

Her husband is a plumber and heating contractor.

Mr. and Mrs. Gizzarelli have two married daughters, Mrs. Anthony Nota and Mrs. Richard DiGiacomo; a third daughter, Marilyn Gizzarelli, and a son, Albert, a pre-law student at Providence College.

As Mrs. Gizzarelli looked back at the year of her prominence, now slipping away, she found this consolation. Said she:

"I'll always be the 1969 mother. That will never change."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 12535. An act 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; and

H.R. 14464. An act to amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. TALMADGE. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, S. 2548, calendar No. 633.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

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

The ASSISTANT LEGISLATIVE CLERK. S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. TALMADGE. Mr. President, during further consideration of the pending bill, I ask unanimous consent that Harker T. Stanton, chief counsel of the Committee on Agriculture and Forestry, and my legislative assistant, Michael R. McLeod, may have the privilege of the floor.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TALMADGE. Mr. President, I yield 30 minutes to the distinguished Senator from South Dakota (Mr. McGOVERN) on the bill.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 30 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Georgia for granting me this time to speak on the bill now pending, of which the distinguished Senator from Georgia is the principal author.

Mr. President, last December President Nixon convened the White House Conference on Food, Nutrition, and Health. Three thousand people, interested in the nutritional health of our Nation, some because they were experts, others because they worked in fields related to nutrition, and a few because they know what it is to be poor and suffer from hunger, met for 3 days in Washington and made no less than 525 separate recommendations to the President.

At the end of the conference, 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That action program called upon President Nixon to declare a national hunger emergency. It endorsed a guaranteed adequate income for all Americans. It called for reform of the food stamp and commodity distribution programs and for prompt House passage of the Senate food stamp bill. Finally, it called for the immediate establishment of a universal, national child feeding program providing free lunch and breakfast to every American school and preschool child.

Let me read from the action statement itself:

IV. UNIVERSAL SCHOOL FOOD PROGRAM

There must be established a national child feeding program which will make available at least two-thirds of the Recommended Dietary Allowance. This is to be accomplished by implementing a free lunch and breakfast program for all pre-school, elementary and secondary school children.

To assure maximum participation in the program, the following steps should be taken:

A. Nutritious food selected shall be consistent with the cultural preferences of the children to be fed.

B. Funds shall be provided to enable schools, child care centers, and other participating groups lacking adequate facilities for food preparation, to obtain such facilities or to devise ways to provide means by other means.

C. Community groups shall be eligible to operate child feeding programs.

D. Local poor residents must be trained for careers in nutritional planning and food preparation for employment in the program.

E. Food provided at the schools shall be available at the choice of the children and their parents.

Mr. President, that is what the White House conference—3,000 strong—recommended to the President, the Congress, and the American people—free lunch and breakfast for every American school and preschool child regardless of family income. But it came to that conclusion, not just after 3 days' discussion in Washington. It did so on the recommendation of one of its panels of experts which studied child nutrition and our child food programs for 4 months. That panel recommended a long-range comprehensive nutrition program for children and youth, the principal feature of which is a universal free lunch program.

Because of the importance of the legislation before the Senate today, I think the recommendations of this panel for a universal free lunch program should be placed in the RECORD, and I therefore ask unanimous consent to have printed in the RECORD the pertinent passages on pages 381 to 384 of the White House conference report.

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

LONG RANGE COMPREHENSIVE NUTRITION PROGRAM FOR CHILDREN AND YOUTH

This Panel recommends a universal free school lunch program[1] within the framework of a Comprehensive Nutrition Program for Children and Youth; which would be available not as welfare for the poor but as a right of all children; which would combine the services of the health education, food service and community organization professions; which would operate through the school as a delivery system and which would provide a basic unit of food and nutrition counseling to all children ages three to eighteen who can be reached through institutional feeding. Our goal is an adequate nutrition program provided as a part of the child's total education program.

Congress should declare that it is the national policy that each American child has a right to the nutritional resources that he needs for optimal health and should enact appropriate legislation to guarantee the fulfillment of this right. This basic legislation should:

1. Establish a new Child Nutrition Administration within which all nutrition and food service programs for children would be administered and coordinated.

2. Authorize a comprehensive nutrition program with the school as a delivery system for all children who can be reached through institutional channels, normally ages three to eleven, with food service available by the beginning of the 1972–73 school term in all schools as well as in facilities providing for programs such as child care, nursery school education, and recreation, programs for out-of-school youth, pregnant girls, youth in on-the-job training, etc. The most imaginative development of outreach programs should be contemplated and encouraged, such as the use of facilities in housing projects for feeding school drop-outs, small children, etc.

a. A basic nutritional unit which should be provided without cost to every child would include:

(1) One meal, probably lunch, providing one-third of the RDA.

(2) Nutrition counseling, based on medical examinations and the identification of deficiencies, with the school coordinating the corrective efforts of the physician, the family and the child.

b. Supplemental Nutrition Units should be provided as follows:

(1) Children from families with incomes at or below the poverty level should receive supplementary nutrition units which will provide the total RDA, year-around. An essential part of this program should be a school breakfast providing at least one-third RDA.

(2) In addition to breakfasts which would be provided free in schools with concentrations of poor children, breakfasts should be provided in all other schools on an ability to pay basis as an important feature of an adequate nutrition program.

(3) All children away from home more than six hours should have two meals available, providing two-thirds RDA on an ability to pay basis. As schools develop off-campus educational and work programs for students, the concern for good nutrition should follow the child. Imaginative involvement of other community agencies or of the private sector (e.g. the use of vouchers for meals which could be redeemed at local cafeterias) will be required.

c. Incentive grants should be available to school districts to develop nutrition programs which would offer food at a reasonable cost as a community service: meals for the elderly, evening meals for children of working mothers; family meals to encourage participation in evening school programs, etc.

3. Provide for the financing of the child-nutrition program. At the present time we would recommend 100% Federal financing for all costs except construction. If Federal revenues are shared with the states, then the states should be expected to participate on a matching basis.

4. Establish the conditions for state participation:

a. States should be required to submit by January 1, 1972, a State plan which would:

(1) Describe the status of child nutrition and the state's unmet needs; identify concentrations of children who are high nutrition risks and locate the target schools and centers where these children will be reached.

(2) Project the nutrition and food service program indicating how Federal and State funds will be used to provide a delivery system to meet the otherwise unmet needs of all children, guaranteeing that all schools will have a food service program and showing plans for reaching out of school youth (pregnant girls, drop-outs, youth in on-the-job training projects, etc.)

(3) Provide working collaborative processes with State, Federal and local agencies, such as Comprehensive State Health Planning, Model Cities, OEO, ESEA, Bureau of Indian Affairs, Public Health agencies, etc.

(4) Indicate the State's overall plan for capital construction for food services to be provided with State revenues.

(5) Describe the State's plan for nutrition education and counseling.

b. States should be required to have a State Comprehensive Child Nutrition Advisory Committee, with broad community representation, to participate in the planning and monitoring of the State's program.

c. States should be required to submit an annual report showing progress in meeting needs identified in the plan.

5. Direct the responsible Federal administrative agency, after consulting with appropriate committees of the Congress, the States and various organizations concerned with child nutrition, to develop a model system for administering child feeding programs at the state level and to incorporate in Federal regulations the procedures for monitoring, evaluation and reporting to be implemented by the States and local districts to ensure the most effective service to children. The model system should include staffing requirements and should reflect technical assistance services provided by the Federal Government.

6. Provide for sanctions the withdrawal of Federal funds and/or direct Federal operation where programs are not reaching the intended beneficiaries.

7. Authorize one percent of budget for annual evaluation, research and development.

8. Provide for incentive grants for innovative demonstration projects.

9. Establish National Citizens Advisory Committee to facilitate citizens participation in the development, monitoring and evaluation of the Comprehensive Nutrition Program for Children and Youth.

[1] A universal school lunch program financed out of tax funds without charge to the children is recommended by the majority of the panel. Two members of the panel, however, urged instead a full Federal subsidy for the universal program with charges for meals for children from high income families. Various administrative methods, such as a credit card system with weekly or monthly billing, are available to prevent the identification of children who receive free or reduced price meals. This would retain the fee system and not further burden the strained state and local tax systems by subsidizing lunches for children from affluent homes.

Mr. McGOVERN. Mr. President, let me say that I wholeheartedly endorse the White House conference's call for a universal free lunch program. There are 52 million American children in school today. Some 32 million of them do not participate in the school lunch program; 51,800,000 of them do not participate in the school breakfast program. But a universal free school lunch program would be costly. We cannot, obviously, afford it today, but it is clearly the best long-range solution to the nutritional health of our children. However, we can and must meet our responsibility to the poor schoolchild today. This it seems to me to be the minimum necessity which cannot and should not be longer postponed.

Mr. President, last September the Senate met its responsibilities to America's hungry families. It passed by an overwhelming majority of 78 to 14 the most comprehensive family food assistance bill in our Nation's history—a food stamp bill which, if passed by the House and signed by the President, will help assure that 15 million poor and hungry Americans will have incomes sufficient to purchase an adequate diet.

Mr. President, let me say here that it seems to me a matter of the highest legislative priority that the other body act on this constructive and most important food assistance bill which was passed by the Senate so decisively in September of last year.

Today, we have an even more important responsibility to meet; 11½ million of our Nation's children live in families whose incomes are inadequate to purchase enough food for an adequate diet; 8½ million of these poor children are in school. They arrive at school in the morning more often than not without a decent breakfast. Five million of these poor schoolchildren receive no lunch in school—5 million who are taught the hypocrisy of hunger amidst affluence because their parents cannot afford the cost of lunch and no one else will help. The issue before us today is simply whether we are going to fulfill the right of those 5 million poor children to one nutritious meal each day so they can learn in school. That is the issue—the future of 5 million poor schoolchildren, who because they hunger for food, hunger also for knowledge, and for health—5 million children for whom hunger means apathy, listlessness, loss of energy and ability to concentrate—who cannot pay attention in class, except to their stomachs—5 million schoolchildren who are absent more often because they are sick more often. The experts have told us the results. Malnutrition, they say, is a major cause of retarded intellectual development. As Dr. Charles Lowe testified before the Select Committee on Nutrition and Human Needs:

> There is no evidence that feeding people makes them smart, but it is indisputable that hunger makes them dull.

I might add in passing that nearly 10 years ago we had a tragic illustration of the malnutrition in the learning process when, through the American food for

peace program, a school lunch program was started in a poverty-stricken section of Peru. Very careful records were kept of the impact of that school lunch program upon the attendance and upon the academic records of these hungry children.

In the months after the introduction of the school lunch program, the first thing that happened in the first 6 months was an improvement in the school attendance. The school attendance improved dramatically. Then, the other important thing was that the academic record of these children for this 6-month period improved across the board. There was an improvement of 50 or 60 percent, as far as it could be measured in the period after the introduction of the school lunch program.

Mr. President, that is the issue—whether we are going to continue to let 5 million hungry schoolchildren grow up half educated, unemployable, dependent on the rest of society and destined to spend their lives on welfare, because we failed to take the simple step of providing them with a nutritious meal at school.

Let me observe at this point that the Senator from Georgia deserves the appreciation and respect of all of us for bringing to the floor with the endorsement of the Committee on Agriculture and Forestry the best food stamp program that this body or the other body, for that matter, has ever introduced.

It does represent an enormous improvement in the present level of school lunch operations. We are going to suggest later today and tomorrow several improvements that we believe will make the program of the Senator from Georgia even stronger than it is today.

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

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation to the Senator from South Dakota for his generosity. I agree that the bill that the Senate committee reported is a vast improvement over the existing programs. I point out that the distinguished Senator from South Dakota is a cosponsor, along with several other Senators, of that bill.

Mr. McGOVERN. Mr. President, I thank the Senator. I am very proud to be listed as a cosponsor of that measure.

It does represent a very significant improvement over our present child feeding programs. I am very hopeful that the Senate at the proper time will agree to these modifications and amendments which we will be offering in due course, that I believe will make the program fully adequate to putting an end to malnutrition among the schoolchildren in this country.

There are three things we must do to assure the nutritional health of these 5 million poor schoolchildren who now receive no meals at school.

First, we must assure that if a child is from a poor family he will automatically be eligible for a free lunch.

Second, we must see that a child who is eligible actually gets to eat. We must do this both for those in schools that already have a lunch program and for those in the 15,000 schools that lack the facilities to initiate a program.

In that connection, I frequently encounter Americans who are generally well informed on public issues, who are shocked to know that there are still 15,000 schools in this country—and they stretch practically from coast to coast—that have no school lunch program at all for any child attending school. That is a shocking situation that I hope we can put an end to in a short time.

Third, we must provide the funds necessary to finance free and reduced price lunch for the poor and the near poor.

It is to achieve these three essential goals that I have joined with eight other members of the Select Committee on Nutrition and Human Needs in sponsoring five amendments to S. 2548.

Last December, President Nixon pledged that every needy schoolchild would receive a free or reduced price lunch in school by next Thanksgiving. That pledge was underscored by the White House Nutrition Consultant, Dr. Jean Mayer, of Harvard University. If the school lunch program were properly administered by the Department of Agriculture, by the States and by the schools themselves, and if the President had sought in his budget or if the Congress were to appropriate all instead of a third of the funds needed to feed every poor schoolchild by next Thanksgiving, we would not be seeking to amend S. 2548. In fact, we would not need to amend the National School Lunch Act at all. The school lunch program is perhaps as successful as any Federal program—more than most.

The distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), deserve a considerable share of the credit. But, as with most programs of this kind, unfortunately, we see that the truth of the old adage "Them that has gets" applies to our school lunch programs. In short, the poorest schools have no lunch program at all.

Very frequently the schools with the highest percentage of children who most need a school lunch program are precisely the schools that either have no program at all or, if they have one, it does not provide adequate funding and adequate programs for the poor children attending those schools. Two-thirds of our poorest children receive no lunch at all simply because they or their schools cannot afford it—while 17 million boys and girls from affluent families pay their 35 cents and take the program for granted.

It is all too true that the present school lunch program works most effectively on the largest scale for children from upper-middle-class families, rather than reaching the need of the hungriest and poorest students in our schools.

Now, I would be the last to suggest that any of those 17 million should not receive lunch at school. But I do say that as we expand the program let us be sure that the next 5 million children who enter the program are those who come to school hungry because their parents are too poor to give them a decent breakfast at home. Our thrust from here on out should be in the direction of reaching the hungriest and the most underfed of our schoolchildren.

That is what the amendments, to S. 2548, which Senators JAVITS, HART, KENNEDY, PERCY, YARBOROUGH, PELL, COOK, MONDALE, and I seek, will achieve. They will assure that first priority in the future is given to children who are most in need of meals at school.

These amendments will further assure that we establish adequate standards uniformly across the country to achieve that fundamental purpose of putting a decent lunch at a free or reduced price level in the hands of every poor child now enrolled in our schools. How do we do this?

I shall refer to the specific amendments.

ELIGIBILITY STANDARDS AND "REDUCED PRICE"

First, the establishment of uniform, nationwide eligibility standards. Last September, the Senate passed a food stamp reform bill that provides for uniform nationwide standards for food stamp eligibility.

I think it is fair to say that practically all experts across the country who have studied this problem have come to the conclusion that such uniformity of standards on a generous and adequate level is the essential starting point for any good food assistance program. If that bill is enacted, every poor family whose income is the equivalent of $4,000 or less for a family of four will be eligible to receive food stamps whatever State they may live in. Amendment No. 508, which will be called up by Senator JAVITS tomorrow will simply apply the same standard to the national school lunch program. It will assure that all schoolchildren from poor families receive free lunch at school.

All pupils from households eligible to receive food stamps or commodities or from families of four with an annual income of $4,000 or less, the same standard we used on the food stamp program—or the equivalent for households of other sizes—would be eligible. These are the children who would be eligible for free school lunches. The amendment would apply to schools which receive cash or commodity support of their school lunch program. To satisfy the income tests and secure lunch, a child's father or mother or other adult household member would simply fill out an affidavit in a form prescribed by the Secretary of Agriculture attesting to the family's income.

Eligibility under the present programs is currently left by the Department of Agriculture to the discretion of individual school principals under general guidelines which, unfortunately, are completely unenforced and usually ignored. S. 2548 is silent on the issue of who should receive free or reduced price lunches. I think that is one glaring deficiency in the bill now before us, otherwise this is a very good bill. While the bill adds a provision to the present act requiring that school authorities announce publicly the criteria which they will apply in determining eligibility for free and reduced price lunch, it fails to

set any standards which could be applied uniformly either among schools within a district, among districts within a State, or among the States themselves.

More than a year ago, in October 1968, the Department of Agriculture promulgated guidelines directed to the States in an effort to assure some uniformity in the determination of eligibility for free and reduced price lunch. Those guidelines purported to establish nationwide eligibility requirements. They required that each State school lunch agency inform the schools in their States of their responsibility to provide free and reduced-price meals to children from poor families. They required the States to develop written criteria for the determination of eligibility for free or reduced price meals. They prohibited the overt identification of poor schoolchildren receiving such meals. They suggested that free or reduced-price meals be provided to children from any family certified as eligible for assistance under the food stamp or commodity distribution program and for children on public assistance.

Mr. President, at this point I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors of the five pending amendments I have referred to in my earlier statements, amendments Nos. 508, 509, 510, 511, and 512.

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

Mr. McGOVERN. Mr. President, although the guidelines did not set any specific income standards, on their face, if implemented and enforced, they might have resulted in some uniformity at least within each State. Under the guidelines, by February 1, 1969, every pupil in every school participating in the school lunch program should have known precisely what his prospects were for obtaining lunch at a discount or without cost. Every child should have been protected from being singled out because he could not pay the full price.

Unfortunately, however, what is happening at present is a confused and unbelievable mess. A few school districts have adopted uniform family income guidelines throughout the district. Most, however, leave eligibility completely in the hands of the school principal. As a result, within school districts and within States, some children are entitled to a free lunch if they are on welfare, others are not. Some families with incomes of $2,000 get a free lunch while others with $4,000 get a free lunch. Some poor children are not entitled to eat the same meals as those who pay. Some are handed a ticket or token a different color or a different size so that they can be identified from the children paying the full price for the meal. Some poor children are forced to work for their lunch as a condition for receiving what Congress intended to be a free or reduced price lunch.

Miss Jean Fairfax, who is one of this country's foremost experts on the school lunch program and who was primarily responsible for the April 1968 report, "Their Daily Bread," recently undertook a private informal survey to ascertain the results of USDA's free and reduced price lunch guidelines. Her findings disclose a state of utter confusion as to the meaning of "reduced price," inconsistent eligibility standards and lack of uniformity in administration from school to school within school districts as well as from State to State. She found that many schools keep their eligibility policies secret, and that most had extremely cumbersome, embarrassing, and degrading application procedures.

I think all of us recall the moving incident in the television documentary in the spring of 1968 showing a child actually in a school lunchroom, standing there watching other children eat, under the rules of the school—which, unfortunately, exists in many schools of this country—that require a child who does not have the money to pay for a meal to stand there and watch while others eat their school lunches.

I think that kind of situation is so unconscionable that it cannot be allowed to continue in this country.

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

Mr. McGOVERN. I yield.

Mr. TALMADGE. I agree with the statement the Senator has just made, but is he not aware that the bill and the committee report stop all the things he complains of?

Mr. McGOVERN. I will say to the Senator that the bill stops a good share of it, but I think, as will become clear here, there are still some gaps that we must take care of.

In thousands of schools throughout the country, poor children are required to work for their lunch. In thousands of schools throughout the country the kind of degrading snooping taking place puts the school lunch program in the same category as the demeaning character of our welfare programs. Hundreds of thousands of children are singled out in school as different from others because they cannot pay for their lunch. All these abuses take place in spite of the fact that the Department of Agriculture's guidelines prohibit them.

In other words, there has been a colossal failure of the administration of the program in terms of the new guidelines, or the recent guidelines, that were spelled out in 1968.

As the Senator from Georgia has said, S. 2548, as reported by the committee, does prohibit the overt identification of any child by the use of special tokens or tickets, or by the announcement or by the publication of names or by other means.

I hope this language will have some effect, but it is the same language, I hasten to add, that appears in the U.S. Department of Agriculture's free and reduced price guidelines and it has not been enforced since October 1968, and unless USDA is willing to enforce and monitor these programs in the States, the intent of Congress as well as the executive branch may well be circumvented in future years, as it has been in the past.

I submit that the way to deal with this problem—with the utter lack of uniformity in eligibility standards for free and reduced price lunch—is to do the same thing the Senate did in the case of the food stamp program. Amendment No. 508 would do this. It would require that any household with an annual income of $4,000 or less—or the equivalent for households of other sizes—the $4,000 figure is based on a family of four—be automatically eligible for a free lunch—no snooping, no demeaning test; just a simple declaration of the family income.

It would adopt the suggestion now contained in the USDA's regulations that any family eligible for the food stamp or commodity distribution program also be eligible for a free lunch.

These changes would make the eligibility determination uniform in the major Federal food assistance programs. School boards, State legislatures, and the Congress will be able to calculate the cost of feeding children from poor families district by district. This could furnish a much needed yardstick for measuring the adequacy of budget requests.

One of the great difficulties with the present program is that it is almost impossible even to guess at program needs and forward needs because of the utter chaos in the standards that are set from school district to school district and from State to State under the present program. In the absence of some language providing for uniform standards across the board in all the States, I do not see how the Congress or the administration can do anything in terms of forward planning and in terms of the essential needs of this program.

Amendment No. 508, in addition to setting uniform standards, would also specify that the price the child pays for a "reduced price" meal could not exceed 20 cents. Children from families above the $4,000 level, but with insufficient resources to pay the full 35 or 40 cents usually charged, would still have a right to receive such reduced price lunches under criteria established by the States and schools. At present, no regulation or statute governs the price of such a lunch.

It is very important to understand the purpose of setting the minimum price level of 20 cents on a reduced price meal. The purpose of a reduced price lunch is to bring a meal to a child who can pay something for his lunch, but cannot afford the regular 35- or 40-cent price. I must say that as I give my youngsters, day after day, the 35 or 40 cents, as the case may be, for their lunch, I wonder how low-income families with several children in school can meet that cost day after day.

The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices.

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

Mr. McGOVERN. Mr. President, I have some additional remarks that I would like to make. I wonder if a Senator in control of the minority time would yield me some additional time.

Mr. AIKEN. Mr. President, how much times does the Senator need?

Mr. McGOVERN. Could the Senator give me another 30 minutes?

Mr. AIKEN. Certainly.

The PRESIDING OFFICER. The

Chair recognizes the Senator from South Dakota for an additional 30 minutes.

Mr. McGOVERN. I thank the Senator from Vermont.

As I said, the purpose of a reduced price lunch is to bring a meal to children who can pay something for their meal, but who do not have the income base to pay the full price. The current lack of a definition of what this reduced price ought to be thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices by allowing districts that serve reduced price meals at a trivial reduction that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. Thus, the money reserve for free and reduced price meals is unfairly depleted at the expense of schools doing the best job—it is apparent that a uniform definition is needed.

In other words, it penalizes districts that provide meals at reasonable reductions by allowing districts which make trivial reductions that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. In other words, under the present program, in the absence of any uniform standards regarding the maximum allowed for a reduced price meal, some districts will reduce the cost of their regular meal by a penny or two, just enough to allow them to claim reimbursement for their reduced meals. They are then allowed to claim reimbursement under the school lunch program. What that does is produce the result that the money reserved for free or reduced price meals is often depleted, at the expense of other schools that are trying to do an honest and reasonable job in providing meals at reasonably reduced prices.

A uniform definition is needed to protect the integrity of schools that are sincerely trying to make this program work.

The respected study to which I referred earlier, by Miss Fairfax and her colleagues, "Their Daily Bread," has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20 cents, participation was 100 percent.

Every child in those two schools participated; but when the price was raised to 25 cents, on a controlled plan, participation drops to near 80 percent; and at 30 cents a meal, it falls sharply to between 27 and 37 percent. In other words, by increasing the price of a meal from 20 cents to 30 cents, two-thirds of the students under actual controlled conditions, dropped out of the program.

That study was conducted over 2 years ago, but it is even more valid now since the price of school lunches has been increased since that time.

Mr. President, I would also like to point out that last December, President Nixon's White House Conference on Nutrition, specifically recommended that an emergency food service program be "launched immediately as a crash program to seek out and feed all schoolchildren that are high nutritional risks." It asked that the 5 million needy schoolchildren currently excluded from the national school lunch program be served free school lunch before the end of this school year, and that funds be made available immediately to meet this need. It recommended a nationally determined standard for eligibility and for free and reduced price meals in all schools—an eligibility standard which would furnish free lunch and breakfast to all pupils whose family income is at or below the poverty level. It recommended that reduced most meals be sold at a price not exceeding one-half the regular sale price.

Mr. President, amendment No. 508 adopts most of these recommendations, and I hope it will be passed by the Senate as an important improvement on the bill reported by the Committee on Agriculture and Forestry.

Mr. President, in view of the need to discuss the amendment in which I have a special interest, it will come before the Senate either later today or tomorrow. As to the second amendment on the list, I shall defer any discussion of that at this time, and move on to a discussion of some of the other amendments that will be offered by other Senators.

In addition to assuring that USDA in the future monitors the effectiveness of existing school lunch programs; we must facilitate the institution of new programs in the 15,000 schools that are now without lunch. Most of these schools simply have no facilities with which to prepare and serve meals. Many are located in our poorest urban and rural areas and cannot afford to build kitchens and lunchrooms even when they want to, with the very limited budgets under which they operate.

Amendment No. 509 will help alleviate this situation by providing the statutory framework necessary to enable private food service firms, under contract with the schools themselves, to provide meals for the children in these schools.

The Agriculture Department has informed the State school lunch directors that it is in the process of revising its longstanding regulations that now deter schools from seeking help from private food service concerns in providing school meals. Such assistance is particularly necessary where a lack or inadequacy of equipment in the schools means children are denied meals. The revision is expected to be in effect as of April 1. The Agriculture Committee has expressed its support of this change in policy.

The amendment will simply state the intent of Congress that the administration's plans be pursued as quickly as possible. As Dr. Jean Mayer, President Nixon's Special Assistant on Nutrition and Director of the White House Conference has stated many times:

> If we can provide filet mignon and the other delicacies eaten by businessmen on expense accounts 6 or 7 miles up in the air, we should at least be able to serve a Type A lunch to children in schools without kitchens on the ground.

FINANCING THE SCHOOL LUNCH PROGRAM

The third essential, if we are going to fulfill the promise that poor children receive meals at school, is that sufficient funds be provided.

If the President's goal for the national school lunch program is to become a reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal, State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets. Amendment No. 510 would restore a much needed budgetary target, specifically $250 million for fiscal year 1971; $300 million for fiscal year 1972; and $350 million for fiscal year 1973.

The proposed fiscal year 1971 budget continues a deficit of at least $400 million below what is needed to meet the demands and the hopes raised for an adequate school lunch proposal.

Unless the deficit is made up either by the Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will simply be defaulted—and once again the poor will be left to eat promises.

Let me underscore that, Mr. President, I am convinced beyond any doubt that if we do not include in this bill an authorization of adequate funding, and if we just leave this as an open-ended matter—which in some cases I might think was a preferable course, if we knew what the administration would do in expending those funds—if we take that course, I am convinced that we will not come anywhere near the pledged goal of the administration, of seeing to it that all poor children in schools—5 million of them—are fed an adequate school lunch by next Thanksgiving.

The committee itself, at page 18 of its report on S. 2548 set $712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year. Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds $640 million. In fiscal 1971 the Federal Government expects to spend approximately $300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may possibly approach $100 million. The combined Federal-State-local support level of $400 million would leave a minimum deficit of $240 million. However, this figure ignores both the inflationary rising costs which all of us are aware of and Bureau of Census data placing the number of needy children in school at 8.4 million pupils. This is nearly 2 million above the estimate of 6.6 million currently used by the Department of Agriculture. If the higher estimate is used, it will cost $817 million to provide lunch to 8.4 million needy children, and on this basis the current deficit is about $420 million instead of $240 million.

Faced with such a deficit, it seems to

me the least Congress can do is attempt to meet the minimum expected deficit based upon USDA's and the Agriculture Committee's own figures. Amendment No. 510 would do this, by authorizing the Federal Government in fiscal 1971 to pump $250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of $206 million over the Nixon administration's request for this child nutrition budget line item. The administration budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The $300 and $350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure. Let me underscore that I am not making a partisan judgment. Everything I have said here could apply to previous administrations. And the States and our needy children would be in great danger of paying the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

We must provide this authorization level in order to implement the other reforms contained in the five amendments offered to S. 2548.

The Agriculture Committee in rejecting these reforms stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

They say:

> We cannot reform this program because it lacks the funds to support such reforms—but, on the other hand we will not ask for the funds either!

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? Do we mean it when top officials of our Government say that by Thanksgiving of next year, no poor child in any school in this country should go hungry for want of a school lunch? The National School Lunch Act of 1946 declared that the program was to "Supply lunches without cost or at a reduced cost to all children determined to be unable to pay the full price thereof."

Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels. I, for one, do not believe that this body will tolerate that gap between rhetoric and reality any longer.

Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent from the Senate today. He has had a longstanding interest, as Members of the Senate know, in the school lunch program; and he has prepared a statement supporting this bill and the strengthening amendments that we will be debating today and tomorrow. Senator YARBOROUGH is one of the cosponsors of each of the five amendments.

I ask unanimous consent to have his statement printed at this point in the RECORD.

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

WE MUST STRENGTHEN THE SCHOOL LUNCH PROGRAM

(Statement by Senator YARBOROUGH)

Mr. President, we are working today on one of the most vital pieces of legislation to face Congress—the issue that confronts us, reduced to the simplest of terms, is feeding children adequately.

My personal experience as a teacher for three years in the rural schools of Texas taught me that hungry children are not good students. They come irritable and restless, they are sometimes discipline problems and distractions to other pupils in the classroom. Since that time, I have learned that undernourished children can develop diseases as well as physical and mental handicaps which remain with them throughout their lives. Mr. President, do we need any other reasons for acting on this measure?

I am a co-sponsor of the bill which has been brought to the floor under the able leadership of the Senator from Georgia, Mr. Talmadge. But, I feel that there are a few weaknesses in this bill which will be corrected by the amendments proposed by Senators McGovern, Hart, Kennedy, and Javits, all of which I have co-sponsored.

The School Lunch Program does not now reach enough children with free and reduced-price lunches. There is no set definition of a reduced-price lunch. Breakfasts are not provided for. Also, the program is underfunded.

These five amendments which I am cosponsoring will help eliminate these shortcomings in the program. A clear definition of a reduced-price lunch as one costing not more than 20 cents will be set. Also, the number of children eligible to receive free lunches will be increased with passage of the amendment proposed by Senator Javits. Senator Kennedy's amendment will provide for more breakfasts for school children. In addition, there is a specific authorization for the special assistance program which will hopefully give the Appropriations Committee some idea of how much money is needed to carry out the purposes of this law.

In addition to these changes in the existing law, there is a new provision for cooperation between school systems and private food service companies in child-feeding programs. This amendment, if passed, would allow school districts to utilize the services and know-how of private enterprise to bring food to our school children.

Mr. President, there is little doubt in my mind about the need for the adoption of these amendments and the passage of this bill. My experience as a teacher has given me first-hand knowledge of the effects of hunger on school children. My 12¾ years of work on the Labor and Public Welfare Committee and my service on the Select Committee on Nutrition and Human Needs have only served to reinforce my belief that education is wasted on hungry children. We cannot afford this sort of waste.

What matters it if we spend billions of dollars to provide an education for all American children, if we then cripple the ability of millions of them to learn by failing to provide them with enough food to eat? How good is their education if the real lesson that they learn is that the more affluent citizens of our country have all the advantages in life, from the very beginning? That is why we need to strengthen and enlarge our School Lunch Program and that is why we need to pass these amendments to the pending school lunch bill.

In the *New York Times* of February 19, 1970, there was a report of the publication of a report of the effect of malnutrition on children in Mexico. It is truly frightening to think that American children may be falling victim to the sorts of illnesses described in this article and that they, too, may be suffering permanent reduction of their I.Q.'s simply because this nation does not care enough about them to feed them properly.

I ask unanimous consent that the article by Nancy Hicks entitled "Long Study of Mexican Siblings Supports Malnutrition I.Q. Link," published in the *New York Times* of February 19, 1970, be printed in the RECORD at the conclusion of my remarks.

We have the chance now, Mr. President, to feed our children—all of them who need food—adequately. Let us make this effort now. I urge adoption of these amendments and this bill.

LONG STUDY OF MEXICAN SIBLINGS SUPPORTS MALNUTRITION I.Q. LINK

(By Nancy Hicks)

A group of Mexican children hospitalized at an early age with severe malnutrition has scored lower on intelligence tests in later life than did their siblings who had not suffered from the disorders.

These findings were reported in a three-year study of children from a small agricultural village, completed two weeks ago. The study was conducted by Dr. Joaquin Cravioto, director of nutrition at Children's Hospital in Mexico City, and by Dr. Herbert G. Birch, a psychologist and professor of pediatrics at the Albert Einstein College of Medicine here.

It was part of a larger study of the ecological factors in child growth and development that they have been conducting for the last seven years.

A number of reports have pointed to a link between development of intelligence and early nutriton. Dr. Cravioto and Dr. Birch chose 37 children to act as the experimental group in probing further into such a possible relationship.

Each child had been hospitalized somewhere between his sixth and 30th month of life with kwashkor, a severe malnutrition disease. Each had recovered and was five years of age or older.

SIBLING CONTROL GROUP

As a control group the doctors chose a brother or sister of each experimental group member. Each sibling in the control group was within three years of age of his brother or sister and had never had severe forms of malnutrition.

"We did this," Dr. Birch said in an interview in his office recently, "because even though malnourishment goes with disadvantage and affects in varying degrees many members of a society, it is very difficult to match control groups for the exact same socio-economic factors or child-rearing practices as the experimental group. Within the same family, we thought we would eliminate the problem."

Both groups were taken to the Army Hospital in Mexico City and given standard intelligence tests, with the following results:

The average intelligence quotient score of the experimental group was 68.5. The average for the control group was 81.5, a difference of 13 points. Scores between 95 and 110 are considered normal.

One-half of the experimental children scored below 70 on the I.Q. tests, as opposed to about 20 per cent scoring below 70 in the control group.

Only four of the kwashkor victims, or 10 per cent, scored above 90, while more than 10 children, or more than one-third of the children who had not suffered from severe malnutrition, scored above 90.

LASTING EFFECT NOTED

All this shows that malnutrition has a lasting effect on its victims, Dr. Birch said.

Those effects can be so strong, Dr. Birch said in a new book, that women who have suffered from malnutrition early in their lives have more complications and problems in child-bearing than do healthy mothers, and

these complications and problems affect the health of their children.

The book, entitled, "Disadvantaged Children: Health, Nutrition and School Failure," will be published in April by Harcourt, Brace and World. Its coauthor is Joan Dye Gussow.

In past research, Dr. Birch has also found correlations between a mother's height and her baby's weight and between a mother's hygiene practices and the child's size at birth. Height and weight have been found to be general indicators of the health of a population.

"In this research, we are exploring hunger and malnutrition as factors which can handicap children as learners," Dr. Birch said.

"But we try to make it clear that it is not food alone or compensatory education alone which make the difference between school success and school failure for poor children," he continued. "One-shot treatments will not overcome handicaps brought on by generations of neglect. A complex and sustained attack will be required to remedy what is a complex and intergenerational problem."

Mr. McGOVERN. Mr. President, I thank both the Senator from Georgia (Mr. TALMADGE) and the Senator from Vermont (Mr. AIKEN) for yielding me time under the bill.

The PRESIDING OFFICER. Who yields time? The bill is open to amendment.

Mr. TALMADGE. Mr. President, I think the Senator from South Dakota has some amendments he desires to offer.

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

The PRESIDING OFFICER. The time to be charged to which side?

Mr. TALMADGE. I did not hear anyone yield time for a quorum call.

The PRESIDING OFFICER. The question to the Senator from South Dakota is, Whose time will be charged for the quorum call?

Mr. McGOVERN. I ask unanimous consent that I be yielded sufficient time to ask for a quorum call.

The PRESIDING OFFICER. Without the time being charged to either side?

Mr. McGOVERN. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. TALMADGE. For how long? Two minutes?

Mr. McGOVERN. Five minutes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from South Dakota be authorized to initiate a quorum call not to exceed 5 minutes, without the time being charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McGOVERN. Mr. President, I send an amendment to the desk and ask that it be stated and be made the pending business.

Let me say, before the clerk reports it, that it is nearly identical to amendment No. 512, previously submitted. There is one clarifying modification in it. The modification simply makes clear that in reporting monthly the number of children eligible to receive and actually receiving free or reduced price lunches that they make their report to the States, and the States, then, in turn, will report to the Department of Agriculture.

That modification was furnished to the staff of the Committee on Agriculture and Forestry last Friday afternoon. I believe that the Senator in charge of the bill has had an opportunity to review it. It is merely a clarifying amendment.

Mr. TALMADGE. Let me thank the Senator from South Dakota. It is merely a clarifying amendment. I would ask that he request the amendments to be considered en bloc.

Mr. McGOVERN. Yes. Mr. President, I so request that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc; and the amendment just offered by the Senator from South Dakota will be printed in the RECORD without being read.

The text of the amendment, as modified, of the Senator from South Dakota is as follows:

(1) On page 23, line 20, strike everything after the period through the period on page 24, line 2, and insert in lieu thereof the following: "The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States."

(2) On page 24, line 11, strike everything through line 22 and insert in lieu thereof the following:

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

(3) On page 25, line 3, strike everything through line 10 and insert in lieu thereof the following: "same ratio to such funds as the number of children attending such nonprofit private schools in such State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all the schools, public and private, in such State."

(4) On page 25, line 16, strike everything through line 25 and renumber subsection (h) on page 6 as subsection (g).

(5) On page 26 between lines 7 and 8 insert the following:

"(h) (1) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; (B) to include every school within the State in the operation of the national school lunch program by the start of the 1972–1973 school year; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the national school lunch program shall be required to submit a report each month to its State educational agency the average number of children in the school who received free lunches each school day during the immediately preceding month, the number of children in the school who were eligible to receive free lunches during such month, the average number of children in the school who received reduced price lunches each school day during the immediately preceding month, and the number of children in the school who were eligible to receive reduced price lunches during such month.

"(3) The State educational agency of each State shall submit a report to the Secretary each month showing the average number of children in the State who received free lunches each school day during the immediately preceding month, the number of children in the State who were eligible to receive free lunches during such month, the average number of children in the State who received reduced price lunches each school day during the immediately preceding month, and the number of children in the State who were eligible to receive reduced price lunches during such month."

Mr. McGOVERN. Mr. President, are we on controlled time on the amendment now?

The PRESIDING OFFICER. We are under controlled time. How much time does the Senator yield to himself?

Mr. McGOVERN. I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. AIKEN. Mr. President, may we have the modification read?

The PRESIDING OFFICER. The Chair would inform the Senator from Vermont that reading of the amendment was suspended, under the previous order.

Mr. McGOVERN. Let me say to the Senator from Vermont that it merely provides that the schools, in reporting on the number of children eligible to receive free or reduced price lunches, make their report to the States and the States, then, in turn, report to the Department of Agriculture.

Mr. AIKEN. And that is all?

Mr. McGOVERN. That is correct.

Mr. AIKEN. I thank the Senator from South Dakota.

Mr. McGOVERN. Mr. President, ever since the passage of the National School Lunch Act in June of 1946, Congress has had specific legislative responsibility to safeguard the health and well-being of the Nation's children—all her children.

To achieve this goal, Congress declared that the program was to "supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price thereof."

We have constantly told the public that our children are the Nation's most precious resource. In spite of such rhetoric and the avowed purpose of the national school lunch program, the pro-

gram reaches only one-third of the Nation's schoolchildren—and not even that dismal percentage of its poor children.

This tragic situation cannot be allowed to continue. The rhetoric must become reality before we suffer further loss of the intellectual resources and productivity of our children. This threat alone should prod us to remedy the obvious failings of the national school lunch program.

We can no longer afford a program that in the words of its former director, Rodney E. Leonard, "befuddles its local administrators, not to mention the Department of Agriculture."

It is a punitive program which apportions its funds on the basis of past performance, not need or willingness to meet that need.

It is a program that does least for those States and children most in need.

It is a program that badly needs its priorities reordered. S. 2548 goes a long way toward doing this—but not all the way.

Most of all it is a program in need of close administrative supervision—S. 2548 totally fails to deal with this problem.

Therefore, I propose amendment No. 512, as modified, to S. 2548 which would require the States to file a plan of operations describing their proposals to assure that free and reduced price lunches are provided to every needy schoolchild; assure effective monitoring and evaluation of school lunch programs by requiring periodic reports on the number of needy children actually furnished lunch at school; allocate special assistance funds for free and reduced price lunches for low-income schools among the States according to the number of schoolchildren from low-income families; and permit the payment of all operating costs as well as food costs in schools most in need of special assistance under section 11.

I believe the single most glaring deficiency in the national school lunch program is the lack of accountability on the part of local school districts and States to the Department of Agriculture. At the State and local levels, where legal authority presumably rests, the child nutrition programs are in incoherent shambles. Rodney A. Ashby, the chairman of the State Directors and Supervisors Section of the American School Food Service Association, pointed this out in his testimony before the Agriculture and Forestry Committee. He specifically called for "a system of accountability which will assure prompt reporting by States thus making possible improved management of funds at the State and Federal levels."

Why is Mr. Ashby so concerned that there be a State plan requirement? When one considers the present extent of State and local accountability—or lack of accountability, the reason becomes quite apparent.

The Department of Agriculture cannot tell us accurately how many children in this country go without lunch. They have never done this kind of research. They cannot tell us how many actually receive free and reduced price lunches on a State-by-State basis.

Mr. MONDALE. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. McGOVERN. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. I wish to commend the Senator from South Dakota for an effective definition of the problem which affects the school lunch program.

As I recall, President Nixon personally addressed the White House Conference on Food, Nutrition, and Health, and one of the key points in his message was a pledge that by the end of this fiscal year, every needy school child in the country would be supplied with a free or reduced cost school lunch. Is my recollection correct?

Mr. McGOVERN. The Senator is substantially correct. There was a statement made by the Special Assistant to the President, Dr. Meyer, setting Thanksgiving as the date when that would be achieved.

Mr. MONDALE. Mr. President, I ask unanimous consent that the President's remarks on that matter be printed at this point in the RECORD.

There being no objection, the President's remarks were ordered to be printed in the RECORD, as follows:

In a related matter, we already are greatly expanding our school lunch programs, with the target of reaching every needy school child with a free or reduced-cost lunch by the end of the current fiscal year.

Mr. MONDALE. Mr. President, in the opinion of the Senator, how much money has to be authorized for the 1971 budget in order to achieve the objective which the President supports?

Mr. McGOVERN. The minimum figure would be $640 million. That is based on the number of needy children whose needs are not being met under the present program, to fill the gap of providing either a free or reduced-price meal to every needy child.

Mr. MONDALE. Mr. President, as I understand it, that is a conservative estimate of the need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. It may be that the estimate is up to 2 million children short of the actual number in need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. But even taking the most conservative estimate, based on the Department of Agriculture figure, we would need $640 million.

Mr. McGOVERN. They are the estimates that have been made by a competent staff.

Mr. MONDALE. How much did we spend this year for assistance for free and reduced cost meals?

Mr. McGOVERN. Approximately $200 million.

Mr. MONDALE. And how much does the President's budget call for in the 1971 fiscal year?

Mr. McGOVERN. There is about $300 million in the President's budget. There would be approximately $100 million additional from State and local sources. There would be a short fall of about $400 million—$300 million coming from the Federal Reserve Treasury and $100 million from State and local sources.

Mr. MONDALE. And if we are in fact underestimating the need by some 2 million children, the amount needed could be somewhat over $400 million.

Mr. McGOVERN. Mr. President, I think that actually the estimate is about $420 million.

Mr. MONDALE. I understand that the amendment the Senator is proposing is directed at providing school lunches. In other words, it does not substantially increase the efforts to provide school breakfasts, nor does it deal with the problem of early childhood feeding.

Mr. McGOVERN. The Senator is correct. The pending amendment is not the one that goes to the funding authorization, but is an amendment calling upon the States to establish a State plan setting forth what they are doing in systematic and clarifying language on a periodic basis so that we would know the number of needy children in that State, district by district, the number that are being fed, the difference between those that are being fed and those who are in need of a free or reduced price lunch.

That is one of the deficiencies in the program. We do not have any accountability from the States. We do not have any accurate or dependable statistics on what we are doing and what needs to be done.

Mr. MONDALE. Mr. President, as I understand it, last year $45 million was provided for funds under the so-called Perkins measure. And we do not know, because of this lack of accountability, how much of that amount actually went to reduce the cost of lunches for poor children. In fact, $18 million of it was returned to the U.S. Government by the States, despite the existence of this tremendous need.

Mr. McGOVERN. Mr. President, this is really one of the most confusing paradoxes in the whole school lunch shambles today. In spite of the fact that everyone recognizes the critical need for additional funds in order to reach these youngsters from poor families, as the Senator has said, money was actually returned from the present inadequate program. I think this is because there has never been any requirement that States work out plans year by year as to how they are progressing toward meeting those plans.

Under the present pending amendment, where every State would be required to set forth a plan of operation, we would at least know where we stand with reference to the administration program.

Mr. President, another provision of the amendment as the Senator may know, is that it would allocate funds available under section 11—that is the so-called special assistance program—to States on the basis of the number of poor children. That refers to children who come from families with an income of $4,000 a year or less. Funds would be allocated to those States and school districts where the funds are most needed.

Mr. MONDALE. Mr. President, I think that such a reform is desperately needed.

In the course of serving on the Select Committee on Nutrition and Human Needs and examining various studies, I have been utterly shocked by the confusion, disarray, and inadequacy of the current school lunch program. There is not a national lunch program. There is really a case of anarchy. Many school districts cannot adequately feed their hungry children.

The result is that there are more than 5 million children who cannot afford school lunches and do not receive them. Many of them probably came to school without having had any breakfast, and some without having had dinner the night before.

I can recall visiting a third-grade class in Nome, Alaska. The school district had no school lunch program at all.

I asked the teacher how the children were doing. She said:

They are not learning much at all. It is very discouraging.

I said, "Why?"

She said:

Well, these kids haven't had anything to eat. They come to school hungry. When I first came here, my husband and I tried to raise money to feed them. But we could not do it. Until the children get enough to eat, they cannot learn.

I recall hearing testimony during the hearings to the effect that children who come to school without having had enough to eat cannot learn.

If we had to make a choice between textbooks and nutrition, it would be wiser to forgo the textbooks and feed the children so that they would be capable of learning.

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

Mr. McGOVERN. Mr. President, I yield.

Mr. AIKEN. Mr. President, I understand that today we are not able to tell how many children are not getting school lunches. I believe that information should be required of them. I expect it would be required under the pending bill.

If there is no dependable report and the Department of Agriculture has no records, I wonder what the basis is for the statement of the Senator from Minnesota that there are 5 million school children who ought to be fed that are not being fed.

I am not asking this question to be critical. I know that some of the school children in Vermont are not getting school lunches because they do not want them. And Vermont should be the easiest State in the Union for getting that information. I think that there are about 8,000 out of a possible 12,000 needy children in Vermont who receive free or reduced price meals.

I was wondering how we know how many there are in the country.

Mr. McGOVERN. To respond to the Senator's question, we do not really know. We have some indication from the Bureau of Census figures on income breakdowns. We have certain studies that have been made by people looking into the school lunch program. But working largely from the Bureau of Census figures, there are about 5 million, nationally. However, nowhere can one go to the Department of Agriculture and know State by State what the need is, or even district by district.

Mr. AIKEN. But it is not the fault of the Department of Agriculture.

Mr. McGOVERN. No; only in the sense that the Department never really laid down any requirements of accountability. I think statutory action is required on the part of Congress.

Mr. AIKEN. Some schools, I believe, are not participating in the program for feeding needy children from poor economic areas because of the requirement that the States or the community pay the operating costs. Under the Senate bill they would pay only 20 percent of such costs in cases of severe need and that would make quite a difference. Even then I expect some people in some of the smaller schools would say, "We can take care of it better at home." That is not true with respect to the larger city schools.

Mr. McGOVERN. I thank the Senator. I do not think we know with any degree of certainty what the number is. I think the Senator's question is well taken.

Mr. AIKEN. We do not know.

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

Mr. McGOVERN. I yield.

Mr. MONDALE. Mr. President, one of the most haunting experiences I have had since coming to the Senate was when I went to a grade school lunch period at a school in St. Paul, Minn. I decided to go there to see how a school lunch hour worked, to see how the children responded, to see what kind of meals were served, and so forth. The meal was a good one; it was balanced and nutritious. But I will never forget as long as I live seeing those children coming through the line. The cost of the lunch was 25 cents per child. They had had a 15-cent lunch the year before, but when the OEO money ran out, they went back to 25 cents. About every fifth child going through the line was unable to pay the 25 cents. Many of them just sat amongst their friends who were eating this fine meal. They would sit there with no meal at all. One pathetic little girl, obviously an impoverished child, had a little, dirty sack she brought with her. I asked her if I could look at it. Inside the sack there were three chocolate cookies which were going to be this child's lunch. That should never happen to any American child.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. McGOVERN. I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 additional minutes.

Mr. MONDALE. Such experiences are being repeated throughout this country every day. Millions of children who are hungry sit amongst their friends at lunchtime. Those who need lunch most, those who need it to learn and to have strong bodies, are not only being denied food, they are also being served a lunch in humiliation as they sit amongst their friends and are denied this basic ingredient required for a healthy and dignified life. I think it is a national scandal.

The measure the Senator proposes would establish the necessary guidelines and the national policy so that we might deal with the poorest of the poor. We are beginning at that level as we did in the McGovern-Javits food stamp program.

Without this kind of help, millions of children will continue to suffer this humiliation every day and be denied the basic food which they need.

Mr. McGOVERN. I could not agree more. I know the Senator looked into the school lunch operation not only in his State but also elsewhere in the country and that he is aware, in addition to the problem he pointed out, that youngsters who do not participate in the school lunch program do not do so because they do not have the money. Many families have practically developed a plan whereby the mother or father will designate the child that is going to eat the school lunch that day. Maybe Johnny gets it on Monday, Mary gets it on Tuesday, and another child gets the school lunch on Wednesday. If there are three or four children they pass it around or share it. All these things are worked out. They are humiliating to the child and so unnecessary in a country with the resources we have.

I know the Senator from Georgia is trying to reach much of that problem with the bill which has been reported, but without these guidelines that we are talking about I am afraid the measure will fall short of the mark.

I thank the Senator from Minnesota for his helpful comments.

Mr. President, the Select Committee on Nutrition and Human Needs sent a questionnaire in June of 1969 to all 50 State school lunch agencies to attempt to get answers to questions like these—which the Department of Agriculture could not answer. The State answers we received are riddled with inaccuracies. The States' best answers add up to a failure—a program that lacks accountability—a program whose administrators, State or Federal, do not know what is happening in their own program.

Nothing makes it more clear than a look at the mismanagement of special section 32 funds which occurred during the 1968–69 school year and were revealed in the States' answers to the committee questionnaire. Under section 25 of the Agricultural Appropriations Act of 1968, engendered by Representative CARL PERKINS, an additional $45 million was appropriated to supply free and reduced price lunches for needy children. But most States apparently used these funds, possibly 20 percent of them, to hold down the prices of regular school lunches—in effect, benefiting the middle-class youngsters and diluting a special effort to provide an adequate diet for the poor. Perhaps more shocking is the fact that $18.8 million of these funds were returned by the States to the Department unused—while millions of needy children went unfed.

Local school districts, in the absence of strong State and Federal supervision, will continue to rationalize negligence and divisions of funds to meet rising program costs, contrary to congressional intent and executive instruction.

The negligence in the use of Perkins funds is not the only example of the problem of sending out Federal resources accompanied by nothing more than good intentions. The experience with Federal guidelines for free and reduced price lunches parallels the fate of funds to finance them. The guidelines resulted from pleas from State school lunch directors who said, in effect, "we want you to tell us to feed the needy children because then we can tell local school boards we must because the Federal Government requires us to."

The Federal guidelines were published in October 1968 and required each school district to file a plan with the State by the start of the 1969–70 school year. The plan must describe the standards the district will use to certify a child as eligible for a free lunch. It also must describe who is to do the certifying, and how parents will be informed that free lunches are available.

Judging from the results of the select committee's questionnaire, fewer than a dozen States have made a serious effort to review the district plans.

Even more discouraging, no State is capable at this time of providing specific assurances that the guidelines are being followed in local school districts. No State has adequate staffing to conduct field audits. The Federal agency's monitoring effort is even more haphazard. It sends regional staff to review district plans on file in the State offices, and no one at USDA is even employed full time at monitoring the guidelines.

Hence, no one can describe the current status of the effort to establish guidelines for free and reduced price lunches in every school district and to feed every needy child because no one at the Federal or State level knows. The guideline enforcement policy calls for the withdrawal of all Federal funds for child feeding where the guidelines are not being carried out. Under the circumstances, the only conclusion is that present guidelines are meaningless and will remain so without a State plan requirement.

The information-gathering channels of the child feeding programs are designed primarily for bookkeeping purposes and less for program development, more for managing dollars than services. Reports show only how many lunches are served each day. A school district, a State, or the Federal Government can only estimate the number of children who participate. Similarly, all the administrative levels can estimate only the number of children who need free or reduced price lunches. The data available only record how many lunches were submitted by States on claims to the Federal Government for reimbursement, and does not tell how many need a free lunch, and this will remain the case until a State plan and periodic reporting are required.

Until we know how many children need a free lunch and how many actually receive free meals, Congress will never be able to provide adequate funding.

The Agriculture Committee, in rejecting plans and reporting, stated:

> The Committee was in complete agreement with the objective of this amendment, to wit, bringing every eligible local educational agency into the program by June 30, 1973. However, the Committee felt that this could not be done by refusing Federal child feeding funds to the entire state if some local agency refuses to enter the program.

The proposed amendment contains no such penalty but only the requirement that the States submit a detailed plan, which shall include, as a minimum, a description of the manner in which the State educational agency proposes first, to use the funds provided under this act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; and second, to include every school within the State in the operation of the national school lunch program by the start of the school year 1972–73; plus, a monthly report—and this is very important—in local school districts and States of those eligible for and those actually receiving free lunches.

Surely this is not too great a burden to put on the States in order to end this chaotic situation in the administration of the program.

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

Mr. McGOVERN. I yield.

Since we are on limited time, I wonder if the Senator would get some time from the other side.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Since the Senator indicates that his amendment would not require the cutting off of funds to the entire State, how would the Senator require compliance with his suggested amendment?

Mr. McGOVERN. The Senator from Kansas is a member of the committee, as I am. The difference between the language that the committee was worried about and this is that the State is cut off for refusing to file a State plan, not for failing to enlist every school district in the school lunch program. In other words, a State is not penalized because one particular school district fails to participate in the program, but the States are told that if they want to participate they have to file a plan indicating how they are going to carry out the program.

Mr. DOLE. That might work where a State has jurisdiction over public schools, but how about jurisdiction over private schools? How are the States given that power?

Mr. McGOVERN. There is no requirement in the bill for the covering of private schools. There is no way I know of that we can get at that problem.

Mr. DOLE. I think the Senator's amendment deals with all schools in a State, public and private.

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

Mr. DOLE. Mr. President, will the Senator from Georgia yield me 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I call attention to page 3, line 14 of the amendment, which contains the language, "every school within the State in the operation of the national school lunch program."

Mr. McGOVERN. Under the provisions of this amendment, the State would be required to develop a plan, showing how it intends to carry out these provisions and how it intends to carry out the program by the year 1972 and 1973. What we are requiring here is that the report be filed by the State.

Mr. DOLE. But is it simply a report saying what the plan may be; it is not a requirement that that school, public or private, participate in the school lunch program. Is that correct?

Mr. McGOVERN. That is correct. We cannot force it.

Mr. DOLE. What happens in 1972 or 1973 if the plan is filed but not complied with? Does the State just file another plan?

Mr. McGOVERN. The State will not be cut off because of the failure of a district or school to participate. The only condition under which this amendment would deny funds to a State would be if the State failed to file a plan. The purpose is to bring some accountability, under pain of losing Federal aid, if a State fails to provide a plan of action. A report is called for under this amendment as to how a State plans to carry out the program.

I understand the difficulty the Senator refers to, if there is a district or school that may not comply. There is no intention to cut off the entire State because of that individual failure.

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

Mr. McGOVERN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. McGOVERN. A more detailed State plan is already required of school systems under the Elementary and Secondary Education Act. S. 2548 itself calls for an undefined State plan of operation as a prerequisite to transferring funds from one program to another, for example breakfast funds to equipment. Thus, the requirement is neither onerous nor unprecedented. In fact, it should have been required in our school lunch program long ago.

The most controversial requirement, I believe, is that of monthly reporting—but it is also in my judgment the most necessary and effective one.

Consider the situation I have already described regarding the failure to use the $45 million in special section 32 funds to create free and reduced price lunches for needy children. If the monthly reporting system this amendment calls for had been in effect at the time, at the end of one reporting period it would have been apparent that the number of free and reduced price meals being generated from these increased funds were not sufficient

and that obviously funds were going unused and being misdirected. Then before the months had passed and it was too late, the Department could have acted in its proper supervisory role to insure that these funds were used as Congress intended. Without such a reporting requirement, we know what happened—millions of poor children went unfed while millions of dollars were returned to the Department. I doubt that anything less than a monthly reporting requirement can solve this problem—for a longer period of time will be too long a time to allow prompt remedial action by the Department.

I am not calling for the States to answer idle empty questions—but to provide answers that can determine whether the program is working or not. I do not believe we will ever make it work without such systematic reporting procedures.

My amendment would also divide the funds available for special assistance to the States to meet the need for free and reduced price lunches according to the relative number of schoolchildren in a given State who require free lunch, that is, are from households of four under the $4,000 level. The committee bill already proposes to change the old allocation formula to focus on a $3,000 factor, hopefully Senator JAVITS' amendments will make $4,000 the only relevant income figure. This should be the relevant income figure. The Senate has already overwhelmingly endorsed this figure in the food stamp bill it passed last September.

The present allocation formula, as well as S. 2548, is based on the numbers served in previous years. Thus, States earnestly trying to improve are severely penalized for past failures. Such a system impedes progress in a most negative manner—at the cost of hungry children.

This would be changed so as to base apportionment strictly on need. It would penalize no State nor decrease any State's current participation, but would greatly benefit industrial States which, by and large, suffer from poor past performance.

Finally, this amendment would permit the Secretary of Agriculture to aid schools that could not otherwise afford to meet the demands of their pupils for free lunches, particularly schools in which nearly every child is eligible, by reimbursing them for the entire cost, including labor, of putting the meals on the table.

The committee bill makes some improvement in that direction. It sets 80 percent as the cutoff figure, but heavy reliance on title I Elementary and Secondary Education Act money to finance lunch service in the South indicates that the need for Federal assistance in some impoverished areas is total and that even 20 percent matching money is not available to the local school districts.

For the sake of a rather arbitrary 20 percent matching requirement many children would continue to be unable to participate in the national school lunch program. It would seem much wiser to leave this to the discretion of the Secretary rather than to limit his action at the expense of needy children.

Mr. President, may I again inquire how much time I have remaining?

The PRESIDENT OFFICER. The Senator has 6 minutes remaining.

Mr. McGOVERN. Clearly the 20 percent requirement would affect only the poorest of the poor. Schools unable to meet the requirement are obviously those schools with the greatest percentage of poor children—children who cannot pay for their meals leaving the schools without the children's fees that other schools use to meet their matching requirement.

Such schools are most in need of assistance. A penalty, which is what a 20 percent matching requirement amounts to in their case, simply makes no sense.

Mr. President, the report that I have referred to earlier, "Their Daily Bread," has described the national school lunch program as a failure. At this time I am afraid that judgment is true. But there is hope of change, the administration has promised that all needy children will be fed by Thanksgiving Day of this year. I sincerely believe that in order that this promise be successfully carried out, we ought to act favorably on the amendment now pending.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, the Committee on Agriculture and Forestry gave thorough consideration to the formula to be applied in the disbursement of special assistance funds under section 11 of the National School Lunch Act. Section 11 was added in 1962 to provide for the appropriation by Congress of funds over and above the regular amount to provide special assistance to needy schools.

My study of the school lunch program convinced me that we should be more concerned with needy children in schools rather than needy schools. Under the present law, there are many needy children in the schools that do not qualify as needy or special assistance schools.

To remedy this situation, S. 2548 gives the Secretary of Agriculture authority to provide funds for free and reduced price lunches to needy children, wherever they may go to school. A poor child in an average school district will no longer be penalized because his neighbors can afford to buy lunches while he cannot.

The committee realized also that it would be necessary to change the method of apportioning special assistance money to the States if all needy children are to be fed. Under present law, funds are apportioned among the States on the basis of the number of free or reduced price lunches served in the preceding fiscal year and the assistance need rate. Thus, under present law more funds go to States which are already serving a large number of free and reduced price lunches than to States which have a grave need to expand their free lunch program.

Therefore, the committee decided to utilize the formula of the Elementary and Secondary Education Act to provide that funds will be apportioned on the basis of the number of children aged 3 through 17, in families which either have incomes of not more than $3,000, or receive more than $3,000 per annum in payments from federally assisted public assistance programs.

In other words, funds will be apportioned according to the number of poor children in a given State.

In my opinion, the efforts to tinker with the apportionment formula of section 11 are ill-advised and the amendments are poorly drawn.

I read from amendment No. 512:

> The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States.

The Department of Agriculture informed our committee that data are not available as to the number of children actually in school as related to family size and income.

As for the $4,000 standard to be used in apportioning funds, it is true that the low-income factor in the Elementary and Secondary Education Act has been raised to $4,000 by both bodies, effective in 1973, for a family of any size, but appropriations have never been adequate to move beyond the original $2,000 limit.

In my opinion, one of the principal reasons the school lunch program has been so successful in many States is that there has been a great deal of local cooperation. Wherever the school lunch program has been effective in the United States, there has been excellent State and local cooperation.

Now the Senator from South Dakota comes forward with a proposal to abandon this time-tested principle of Federal, State, and local cooperation in favor of total funding by the Federal Government. Under present law, special assistance funds generally are limited to reimbursement for food costs. There is no doubt that some poor schools need more assistance. For this reason, section 7 of the committee's bill would authorize the Secretary of Agriculture to provide up to 80 percent of total operating costs of the school lunch program in cases of severe need.

However, I must object to any proposal that the Federal Government pay a hundred percent of operating costs. We do not do it in unemployment insurance. We do not do it in old-age assistance. We do not do it in any other Federal-State cooperative local program of which I know. If we start funding the program 100 percent from Washington, D.C., when the money is going to be spent in its entirety by local people, who is to say, "Let us be careful and save a little and be a bit prudent in spending this money"?

If we are ever to do an adequate job of feeding all the needy children in this country—and our committee certainly wants to do that—we must rely heavily not only on State but on local cooperation as well.

One of the key features of S. 2548 is a requirement that the States increase their matching funds. Under present law, the States are required to match every $1 of section 4 funds with $3 of State funds. However, there is no requirement that any part of this matching money comes from State revenues. At the present time, most of the money comes from pupil payments. Under the committee bill, all States will eventually be required to pay at least 10 percent of their matching requirements out of State revenue.

The need for State and local funding is graphically pointed out in the figures submitted for the RECORD by the Senator from South Dakota. The Senator's figures indicate that even if the Appropriations Committees appropriate all of the money requested by the administration for child feeding, there will be a funding gap of $419.4 million for 1971.

The administration has not indicated a willingness to greatly increase expenditures for child nutrition.

If we are to get the needed money, we must get it not only from the Federal Government but from the State and local governments as well. If the Federal Government can pay all the cost of school lunches, there will be no incentive for State and local governments to do anything.

Another objectionable feature of amendment 512 is the requirement that, as a prerequisite of receiving funds, the States submit a detailed State plan which would include, among other things, the manner by which the agency proposes to include every school district within the State in the operation of the national school lunch program by the start of the 1972–73 school year.

I have no objection to a requirement that the States submit a detailed State plan, but I do not think the Federal Government should impose impossible requirements as a prerequisite for the receipt of any Federal funds. State educational agencies can realistically file such a plan only if they have complete cooperation of the full range of local agencies, including nonprofit private schools.

It is folly to establish a requirement that cannot be met within the jurisdictional competence of an agency. State educational agencies do not have authority over nonprofit private schools, so there is no way on the face of the earth that they can assure that every school will come into the program by 1972.

Also, amendment No. 512 would place an impossible administrative burden on the clerical personnel of individual schools. The amendment would require monthly reports from each school and each State educational agency as to the number of children eligible during the preceding month for free lunches, the number eligible for reduced price lunches, the average number receiving free lunches each school day, and the average number receiving reduced price lunches each day.

How can a local school maintain a realistic count of the number of children from families with incomes less than $4,000 and get that information once a month? Can you imagine what would happen throughout the public schools of this land in the private schools if every school child went home once a month with an affidavit in his hand and said, "You have to sign this, relating to your income, so I can take it back to the school so they can file a report with the Federal Government, so we can tell them we are poor enough that I'll get a free lunch or a reduced-price lunch"? That would be an impossible burden that the Senator's amendment would put on every school district in this country. This amendment would mean that the local schools would have to require monthly affidavits from every family within the school district. While obtaining information regarding every family in America, the schools would be so busy that they would not have time to prepare the food and serve it to the hungry children.

I yield to the Senator from Vermont.

Mr. AIKEN. It seems to me that requesting a report once a month would be going a little too far, because when a factory shuts down, many children will be eligible for that month and may be ineligible the next, as the employment varied for that community. Asking for a report once a month would certainly take care of all the unemployed clerical people in this country.

Mr. TALMADGE. That is quite true.

Mr. AIKEN. It would not be accurate, either.

Mr. TALMADGE. That is correct. Every family would have to keep a record of its earnings for the previous 12 months. Also, the mobility of our society is such that every time a family moved, it would have to file a new report, and the school would have to send it to Washington.

Mr. AIKEN. It would be difficult. If they had to make a report every 3 or 6 months, perhaps that could be done. As the Senator has said, with the moving that is going on these days, it would be almost a clerical bookkeeping impossibility to make anywhere nearly accurate reports.

Mr. TALMADGE. I agree completely with my distinguished colleague.

Mr. AIKEN. That is one reason why we do not get accurate statements now.

Mr. TALMADGE. The present law gives the Department of Agriculture authority to set standards and require plans. It is flexible enough to be worked out on a realistic basis.

I compliment the distinguished Senator on his desire to feed the hungry children of this country. He is not alone in that desire, however. The Senate Committee on Agriculture and Forestry started that program some 24 years ago, and we have been interested in it ever since. We are interested in continuing it and perfecting it. There is nothing wrong with the program now, particularly the committee bill as reported, that cannot be solved, if it can be adequately funded.

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

Mr. TALMADGE. I yield to my distinguished colleague, the chairman of our committee, who is the father, I may say, of this program.

Mr. ELLENDER. Mr. President, the main virtue of this program is the cooperation that has been established between the States and the Federal Government. There is no doubt that the program which has been in effect since 1947 has been a huge success because there has been complete cooperation among the schools at the local level, the administrators of the program at the local level, and the Federal Government. As a result of that cooperation, the Federal Government has been able to make a success of the program by furnishing about 25 to 26 percent of the entire cost.

The main addition to the bill now being considered is that we are desirous of having the States put up a little more cash than they have in the past. The school boards of many of the States in the past, as well the administrators of the program, have collected quite a lot of funds from the fathers and mothers of the schoolchildren who are the recipient of the program.

It was felt that this new formula written into the bill will be very much desired. It will result, in my judgment, in a better program with the States making a contribution.

As the distinguished Senator from Georgia just stated, the provisions of the amendment that is proposed can be done administratively under the law as it now stands. It would be ridiculous to have a monthly report from each State on each school on the number of children being fed. It would mean the expenditure of a great deal of money to administer such a program.

It strikes me that the bill reported by the committee—I do not say it is perfect—is a great addition to what the law has been in the past.

Therefore, I hope that the amendment will be rejected.

Mr. TALMADGE. Mr. President, unless some other Senator desires to speak, the Senator from South Dakota has indicated a desire for a record vote. I would therefore request the aides to inform Senators in the cloakrooms and elsewhere to come to the Chamber so that we can ask for the yeas and nays.

Mr. AIKEN. Mr. President, let me emphasize what the Senator from Georgia just pointed out, that is, that the McGovern-Javits amendments would cost $817 million to feed the children, while all the amendments would provide for a total funding of $397.6 million. This means that there would have to be more drastic legislation provided before the deficiency of $419,400,000 could be made up.

This is covered in the RECORD of February 20, 1970, page 4317.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TALMADGE. Does the Senator from Vermont desire more time?

Mr. AIKEN. No. I just wish to put emphasis on the fact that the amendments call for money for which no provision is made.

Mr. TALMADGE. Mr. President, if no other Senator desires to speak, and the Senator from South Dakota is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time.

Mr. PELL. Mr. President, let me just say to the distinguished Senator from South Dakota that I support his amendment. I am glad to be a cosponsor of it. I realize that it apparently is controversial, but the objective is valid and I support it.

Mr. McGOVERN. I thank the Senator from Rhode Island.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DOLE in the chair). All time has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). 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 Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is detained on official business.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Kansas (Mr. PEARSON) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 38, nays 32, as follows:

[No. 52 Leg.]

YEAS—38

Anderson	Hartke	Nelson
Brooke	Hatfield	Packwood
Burdick	Hughes	Pastore
Byrd, W. Va.	Inouye	Pell
Cannon	Jackson	Proxmire
Case	Magnuson	Randolph
Cook	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Fong	McCarthy	Stevens
Goodell	McGovern	Symington
Gore	Mondale	Tydings
Harris	Moss	Williams, N.J.
Hart	Muskie	

NAYS—32

Aiken	Ellender	Murphy
Allott	Ervin	Prouty
Bellmon	Fannin	Russell
Bennett	Goldwater	Scott
Boggs	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Cooper	Holland	Talmadge
Curtis	Hruska	Thurmond
Dole	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.
Eastland	McClellan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—29

Allen	Hollings	Pearson
Baker	Javits	Percy
Bayh	Kennedy	Saxbe
Church	Long	Smith, Maine
Cotton	McGee	Smith, Ill.
Cranston	McIntyre	Sparkman
Dodd	Metcalf	Tower
Fulbright	Miller	Yarborough
Gravel	Montoya	Young, Ohio
Griffin	Mundt	

So Mr. McGOVERN's amendment, as modified, was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 510

Mr. HART. Mr. President, I call up my amendment No. 510 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, line 25, strike everything through line 1 on page 23 and insert in lieu thereof the following:

"SEC. 11. (a) There is hereby authorized to be appropriated $250,000,000 for fiscal year ending June 30, 1971; $300,000,000 for the fiscal year ending June 30, 1972; and $350,000,000 for the fiscal year ending June 30, 1973."

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HART. Mr. President, this amendment is offered by the Senators COOK, JAVITS, KENNEDY, McGOVERN, MONDALE, PELL, PERCY, YARBOROUGH, and me.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senator will suspend. Attachés will please be seated. Senators will please be seated.

The Senator may proceed.

Mr. HART. Mr. President, the amendment would authorize sums under section 11 of the National School Lunch Act to provide free and reduce price lunches for every child from a low-income family. The amendment would authorize $250 million for 1971, $300 million for 1972, and $350 million for 1973.

In 1962 only 33 percent of America's children were participating in the school lunch program. In Michigan the figure was 17 percent. This low statewide average figure resulted from a participation figure of 10 percent in Detroit where old schools and low incomes meant that the very children who most needed the lunch were not getting it. Section 11 was designed to provide free or reduced-price lunches in such situations. Each year, we have appealed to the Committee on Appropriations for more adequate funding of section 11.

Make no mistake about it. Until we fund section 11 adequately, we are kidding ourselves if we think the school lunch is feeding the hungry children; it is not. Without section 11 adequately funded we are putting lunches before children who can afford to buy them, who are going to the newer schools in the better neighborhoods where food service facilities have been built in, but we are shortchanging those in need.

Section 32 was added to the program in 1962. Until 1965 we were unable to secure any funding for it, and we began then with a meager $2 million. Since then we have been inching forward. It is time to do the job right and I believe the American people want it done.

Mr. President, if the President's goal for the national school lunch program is to become a reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal,

State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets.

The Senator from Georgia (Mr. TALMADGE) has been one of the most effective voices raised in support of this measure.

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

Mr. HART. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation and gratitude to the Senator from Michigan.

Mr. HART. Mr. President, the Senator from Georgia has earned these words and many more.

Mr. President, this amendment would seek to restore a much needed budgetary target, specifically $250 million for fiscal year 1971; $300 million for fiscal year 1972; and $350 million for fiscal year 1973.

The proposed fiscal year 1971 budget contains a deficit of at least $200 million—possibly as high as $400 million.

Unless the deficit is made up either by Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will be defaulted—and once again the poor will be left to eat promises.

The committee itself at page 18 of its report on S. 2548 set $712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year.

Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds $640 million. In fiscal 1971 the Federal Government expects to spend approximately $300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may approach $100 million. The combined Federal-State-local support level of $400 million would leave a minimum deficit of $240 million. However, this figure ignores both rising costs and Bureau of Census data placing the number of needy children in school at 8.4 million pupils.

Faced with such a deficit, the least Congress can do is attempt to meet the minimum expected deficit. My amendment would do this by authorizing the Federal Government in fiscal 1971 to pump $250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of $206 million over the Nixon administration's request for this child nutrition budget line item. The Nixon budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The $300 and $350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure, and the States and our needy children would be in great danger of paying the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

It would also appear to be necessary to provide this authorization level in order to enact the reforms contained in the amendments offered by Senator JAVITS and Senator MCGOVERN.

The PRESIDING OFFICER (Mr. COOK in the chair). The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 5 minutes.

The Agriculture Committee, in rejecting these reforms, stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

We cannot reform this program because it lacks the funds to support such reforms—but on the other hand we will not ask for the funds either.

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? The National School Lunch Act of 1946 declared that the program was to "supply lunches without cost or at a reduced cost to all children—determined—to be unable to pay the full price thereof." Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels.

I think that is not a record on which this body would be content to rest.

Mr. President, I offer several summary sheets, which I ask unanimous consent to be printed in the RECORD, which reflect both the need and the method to insure that that need is met as reflected in the amendment.

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

APPENDIX A. FREE SCHOOL LUNCH: THE BUDGET GAP

The cost of providing a free lunch throughout the school year depends on three factors: the number of poor children to be reached, the average cost of a lunch, and the annual number of lunches per pupil:

(1) There are two estimates in vogue of the number of school children from low-income families who require free lunches. USDA sets the figure at 6.6 million, by derivation from a study by the American School Food Service Association. Analysis of the Bureau of the Census' 1968 poverty data released in December, 1969 reveals that at least 7.8 and perhaps 8.4 million children between the ages of 5 and 17 lived in 1968 in families with annual incomes less than $3,600 for a family of four or the equivalent. Given the $4,000 eligibility test contained in the coalition amendments, coupled with the 3% annual decline in poverty, 8.4 million may be the most realistic target figure.

(2) The normal school year runs 175 to 180 days, but a 10% absenteeism rate is anticipatible, making 162 lunches per pupil per year a reasonable goal.

If 6.6 million needy children, then the total cost of furnishing free lunch in fiscal 1971 = $640 million (60¢ × 162 × 6.6 million).

If 8.4 million needy children, then cost = $817 million (60¢ × 162 × 8.4 million).

[All figures in millions]

Total cost	$640.0	$817.0
Funding sources (funding year 1971):		
I. USDA	297.6	297.6
(a) Sec. 11	44.0	44.0
(b) Sec. 32	4.3	4.3
(c) Special sec. 32	151.7	151.7
(d) Sec. 4 [1]	25.5	25.5
(e) Donated commodities [2]	72.1	72.1
II. States [3]	75.0	75.0
III. Local [4]	25.0	25.0
Total funding	397.6	397.6
Cost-funding, Gap	242.4	419.4
Proposed increase in fiscal year 1971 authorization	206.0	206.0
Gap increase, program deficit	36.4	213.4

[1] USDA estimates that approximately 15 percent of all sec. 4 funds will be applied to reimburse schools for serving free or reduced price lunches because 15 percent of all lunches receiving the across-the-board 5-cent reimbursement have been served free or at a reduced price. Sec. 4 is allocated $169,700,000 in fiscal year 1971, meaning that 15 percent of that sum is includible under anticipated free lunch expenditures.

[2] 1,100,000 of the 18,900,000 children whose lunches will be federally aided exclusively under the sec. 4 portion of the lunch program will be needy children receiving free or reduced price lunches in nonneedy schools. The additional 55 cents for their lunches (less commodities donated) will come from state or local contributions or the payments made by middle-class children, rather than from Federal funds. Those children constitute 5.9 percent of the sec. 4 children and will, accordingly, consume approximately 200,000,000 lunches during fiscal year 1971 (5.9 percent of the 3,394,000,000 sec. 4 lunches). 1,000,000,000 free or reduced price lunches are expected under the special assistance for lunch provisions.

Thus, free or reduced price lunches would constitute 1,200,000,000 or 27.3 percent of the 4,394,000,000 total number of all school lunches served under the national program in fiscal year 1971. Since the school lunch commodity budget for fiscal year 1971 is set at $264,500,000,000, some $72,100,000 of that cost would be attributable to free or reduced price lunches, on the appropriate assumption that, in a given State, commodities are divided equally among the lunches served.

[3] The Senate Agriculture Committee reports that, in fiscal 1968, $63,600,000 was contributed from State tax revenues for the school lunch program. Approximately ¾ of that sum or $45,000,000 was directed to supporting free or reduced price lunches. By fiscal 1971, an additional $30,000,000 in State funds will be devoted to that purpose, including $10,000,000 in New York, $5,400,000 in Illinois, $6,000,000 in California, $2,000,000 in Maryland, and assorted sums elsewhere.

[4] Although no accurate compilation of local support for free or reduced price lunches exists, $25,000,000 by fiscal year 1971 is the best available estimate. New York City contributes over $10,000,000; Atlanta $750,000; Baltimore $500,000; San Francisco $330,000; Detroit $400,000; the District of Columbia $2,850,000 and many other cities make or will be making substantial inputs.

[5] The non-USDA free lunch programs include:

Headstart	$40 to $48.
Johnson-O'Malley	$2.
ESEA, title 1	$25 to $30.
Migrant education	$3.1.
Handicapped and delinquent children	$0.2.
Follow through	$3.

The fiscal year 1971 program deficit for the 6.6 million count would easily be covered by the funds now spent for free lunches under non-Department of Agriculture-operated programs. Those programs currently yield in the neighborhood of $75 to 90 million annually (including some lunches for 3 to 4-year olds). (See footnote 5 above.)

The fiscal 1971 program deficit for the 8.4 million count would be in the $125–140 million range, after taking those other feeding programs into account. The deficit would, of course, be further reduced, although not entirely, by the overflow from payments by middle-class children, a sum which is not capable of estimation. In all likelihood, 8.4 million children could not be adequately served until the Section 11 increase for fiscal 1973 were fully funded.

Mr. HART. Mr. President, I hope very much that the Senate will adopt the amendment.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

Mr. President, when I offered S. 2548, I had somewhat similar figures—in fact, I think they were identical—for fiscal years 1971 and 1972 as the amendment proposed by the Senator from Michigan. But the committee went into the matter fully. We did not know exactly how much money we needed. The figures were somewhat contradictory. The Department of Agriculture made one estimate. The Committee on Nutrition made another. As I recall, the school administrators in the respective 50 States made another.

So the action the committee took was to leave it completely open ended, so Congress would be authorized to appropriate any money that might be necessary to provide for the need.

If Senators will turn to page 22 of the bill, line 25, the language reads:

SPECIAL ASSISTANCE

SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch programs under this Act by children of low-income families.

The action the committee took is permanent legislation, completely open ended. The amendment of the distinguished Senator from Michigan would limit the figure to $250 million for the fiscal year ending June 30, 1971, $300 million for the fiscal year ending June 30, 1972, and $350 million for the fiscal year ending June 30, 1973; and no sums whatever would be authorized in subsequent years.

May I express the thought to the Senate that this authorization is a ceiling; it is not a floor. The committee bill has no ceiling at all. The time is not limited in any degree. It is permanent legislation.

So in this instance the Senator from Michigan is offering legislation that is far more restrictive than what the Committee on Agriculture and Forestry agreed to.

May I say, in conclusion, that my original bill had the same thought as the Senator, and I had fixed sums for the fiscal years 1971 and 1972 identical to what the Senator from Michigan has fixed. But when we looked into the matter in committee, it was determined that, rather than put a ceiling on the appropriation authorization, it should be left open ended, so the Department of Agriculture could study the needs for the program and the Appropriation Committees of the Senate and the House, in their wisdom, could appropriate such sums as were desirable and needed.

The Senator's amendment is restrictive in nature, whereas the committee's proposal is completely open ended.

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

Mr. TALMADGE. Mr. President, I yield to the Senator from Kansas such time as he may desire.

Mr. DOLE. Mr. President, I share the views expressed both by the Senator from Georgia and the Senator from Michigan and agree that the objective of the bill is to provide every child who needs it with a free or reduced price meal.

The Senator from Georgia initially provided some limit in the authorization, but, as he has just pointed out very well, perhaps what we are doing, under the amendment of the Senator from Michigan, is restricting the amount of money that may be appropriated.

Regardless of the amount we authorize, it does not guarantee any level of appropriations. As I recall the deliberations of the committee when we had the hearings and following the hearings, after consultation with the executive branch we felt we should leave it open ended so that there could be provided whatever money as might be necessary to achieve the objective expressed by the unanimous vote of the committee, and again today by the Senator from Michigan and by the Senator from Georgia.

The amendment of the Senator from Michigan would tend to restrict the amount of money that might be available. I share the views expressed by the Senator from Georgia, and, therefore, reluctantly oppose the amendment of the Senator from Michigan.

Mr. HART. Mr. President, I yield myself 5 minutes.

The exchanges indicate that all of us who have spoken to the point are anxious to insure that there are adequate authorizations and appropriations to feed schoolchildren. Which is the most likely way to put food in front of them, rather than promises, which we have been making for too many years? Those of us offering the amendment believe this to be the appropriate way. Why? The realistic fact of life is that the Department of Agriculture is asking, "How much money for this program? What is their request?"

Although I am not privileged to sit on the Appropriations Committee, I imagine that is a sort of ceiling at which appropriations begin and from which they are then lowered.

The Department of Agriculture asks all of $44 million to do this job. Whether they heard the promise about Thanksgiving, I do not know, but $44 million is not going to deliver by Thanksgiving.

Unless we put up a target, as proposed in the amendment, of $250 million, is it likely that there will be recommended, in the appropriation bill when it comes through, a figure very much larger than the Department in its wisdom and prudence says is needed, $44 million?

We doubt it very much; and it is for that reason that we argue the desirability of putting the target up, rather than having what admittedly is a very attractive, at the moment, open ended proposal. It will be open ended until the Department comes in and says, "We only need $44 million," and then, boom.

Mr. President, there are 6.6 million needy children. To furnish them free lunches in this fiscal year, at 60 cents a meal for 162 school days, would require $640 million.

This should alert us, first of all, to the fact that the department apparently is not using a schoolchild count, or it is getting the food at bargain prices. But even at bargain rates, with 6.6 million in need, $44 million is not going to get them into business by Thanksgiving.

With the ceiling, if you will, or target, as I would prefer to call it, established by the amendment, we would get within hailing distance of the total sum that would be required, making allowances for regular absenteeism, and so on. It is not, Mr. President, the motive of the offerers of the amendment to suggest a figure less than that which is required, but rather to state a figure which reality requires we talk about now as actually needed, if in fact delivery is to be made on this promise.

It is for that reason, Mr. President, that the suggestion is strongly made—and I hope will be adopted—that we now recognize the inadequacy of the department's recommendation, and the desirability of fixing a target figure which, in reality, this year and next and the following year, will deliver the food.

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

Mr. HART. I yield.

Mr. DOLE. I assuredly share the objective of the Senator from Michigan. I wonder whether he has taken into account, in his request for these authorization limits, the amendment we have just adopted, in which we established new eligibility requirements. It may be that the amount requested in the Senator's amendment may not be adequate, in the light of the new standards, and because the Federal Government will now pay all the costs in certain instances.

Mr. HART. I think the amendment we just adopted established an eligibility income ceiling, and allocated money on the basis of a $4,000 annual income. It did not establish eligibility, but the Senator is correct, it is anticipated that such an amendment will be offered. We have not done it.

Mr. DOLE. I wonder, in the light of the amendment that was agreed to, if, sharing the views of the Senator from Michigan, we may not be tying the hands of the department because of the increased costs to be added by that last amendment, since in some cases 100 percent of the cost is to be borne by the Federal Government.

Mr. HART. It is my information that even with the adoption of the Javits amendment, there would still be an inadequate provision. But this $36 million deficit could be made up from other non-USDA child feeding funds, such as Johnson-O'Malley funds. I am advised that not until 1972 would the sum be adequate to insure delivery to all the children.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired. Who yields time?

Mr. HART. Mr. President, I ask for the yeas and nays.

Mr. TALMADGE. Mr. President, I yield such time to the Senator from Florida as he may require.

Mr. HOLLAND. Mr. President, I yield to the Senator from Michigan so that he may ask for the yeas and nays.

Mr. HART. I thank the Senator from Florida. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HOLLAND. Mr. President, I wish to say first that I agree implicitly with the distinguished Senator from Georgia

and the distinguished Senator from Kansas in opposing this amendment. The Senator from Georgia had some figures in his bill. I do not remember the size of them, but I recall that there were three different estimates as to how many dependent children would come under the purview of the old section 11 of the act, which is what we are talking about now, the feeding of dependent children.

The Department of Agriculture thought there would be enough so that $44 million would take care of all they could possibly hope to bring within the program in this approaching year. The school officials had a different figure, and then the nutrition committee had a different figure still; and, though I rarely favor any open ended appropriation, it seemed to me that if we were to take care of this matter at all, we should do it, in this instance, through an open ended appropriation, because there was no dependable set of figures upon which we could rely in trying to decide what should be the amount required for each of the years.

So, Mr. President, we agreed to leave the authorization open ended, and we also agreed to make this part of the bill permanent legislation. In both of those particulars, the amendment in question is less desirable than the provisions of the pending bill; and my own feeling is that the amendment should be defeated.

I might say that our experience under this particular program is twofold. First, they have never used the amounts that we have appropriated. We appropriated for this particular year $45 million, and that amount was not used.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. TALMADGE. The Senator did not include, I believe, the additional section 32 funds that are also being used for that purpose.

Mr. HOLLAND. The Senator is correct; and that is the one thing that I am grateful to the authors of this amendment for—they have finally realized that they should not continue to abuse the purposes of section 32 by encroaching upon section 32 for every use that came up and every amount that might be needed. At least the amendment has that virtue, though I cannot find any other virtue in it.

The open ended authorization is completely necessary because no one knows how big this program will be, first, as to the number of needy children that there are in the country, and, second, as to the number of States or cities that are going to come in for their part of the dependent children.

I am sure that Senators know that some of the most populous States, or several of them, have not come in on this program, and that some of the largest cities have not come in on the program, and many of the dependent children are in those largest cities. So the whole program, here, is in the air; no one has any definite figure in mind, and instead, our friends who offer this amendment propose definite figures which are very much larger than anything that has been able to be committed or spent before, and they limit them to the 3 years covered by the amendment.

Mr. HART. Mr. President, will the Senator yield so that I may ask for yeas and nays?

Mr. HOLLAND. I am glad to yield for that purpose.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, we still have those two imponderables, those two unknown matters, in this figure. We do not know how many dependent children there are nationwide. We do not know what States and large cities are going to come into the program. We do not know whether the large cities that have heretofore declined to come into that program are going to do so.

I think that everybody who is hopeful to do the most we can under this program realizes that, in the first instance, permanent legislation rather than 3-year legislation is desirable and, second, that open ended authorization is desirable because we hope that everybody will come in, for all the dependent children. But we have no assurance whatever that such will be the case, and we do not know how many there will be if it should be the case.

It seems to me that the bill reported by the committee is infinitely wiser than this amendment would make it.

I yield to the Senator from Vermont.

Mr. AIKEN. I simply cannot understand what motivates the sponsors of these amendments to require the expenditure of so much money for the school lunch program and then restrict the appropriation which would be necessary to meet that requirement to about half of the total. I do not know what the motive is. If it went through both Houses of Congress, of course only one thing could happen to it, and that perhaps could be useful in certain areas at certain times of the year. But it just looks to me that if they have their way, something disastrous will happen to the school lunch program. That is all there is to it.

Of course, I do not think the House would tolerate any such action on their part.

I forget how long ago we passed the Food Stamp bill. It was months and months ago.

Mr. TALMADGE. Five months ago.

Mr. AIKEN. Five months ago. And still nothing has come of it. We do not have any food stamp program for the future. And that is exactly what will happen to the school lunch program, I think, if we send it through with the amendments which are being proposed to it. I think it is irresponsible legislating.

Mr. HOLLAND. Mr. President, I appreciate the remarks of the Senator, and I agree with him entirely.

I may say that it seems to me that the committee bill as reported is infinitely wiser. It was supported by the full committee, with one exception. It appears that we are about to go through the same course—or, at least, we are having the same course suggested to us—that we had on the food stamp matter which the Senator from Vermont has mentioned. We passed that bill prior to July 7. I do not know the exact date, but July 7 was the date of the passage by the Senate of the Agriculture appropriation bill, which I had the privilege of handling on the floor of the Senate. That big food stamp bill, which so greatly enlarged the program authorized by the committee, with one exception, still languishes in the other body, and no action whatever has been taken on it. I do not want to see us go through the same course with reference to the school lunch program.

I do hope that the committee bill will pass, and I regret that the amendment which we recently adopted was adopted, because it adopts a much higher standard as to who are dependent children than does the present ruling or than was required by the committee bill.

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

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. In my opinion, the effect of the amendment just adopted would be to take the money from the smaller or poorer States of the Union and put it into the States that have the big cities.

Mr. HOLLAND. Mr. President, that might be the result. I do not know. But I am anxious that we do finally fulfill to a greater measure than we have heretofore the objectives of section 11. I think we would do that better under the committee bill, infinitely better and certainly longer, than would be done under the pending amendment. I hope the amendment will be rejected.

Mr. HART. I yield myself 1 minute before yielding to the Senator from South Dakota.

Mr. President, it is the understanding of the offerers of this amendment that there will be no selection among children who are poor, whether they are in small States or large States. The purpose we seek to achieve is that there is a good amount of money available to assure that children, wherever they are, are delivered of a promise we have talked about for a long time.

I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I do not want to charge anyone here with hypocrisy, but the truth of the matter is that we have an argument going in a circle here on what it is going to take to meet the promise we have made to try to feed every poor, hungry child by Thanksgiving of 1970.

The administration officials who came before the Committee on Agriculture and Forestry objected to various reforms that are offered in the amendments we are considering today and will be considering tomorrow, on the ground that there was not sufficient funding to carry out those amendments.

The Senator from Georgia (Mr. TALMADGE) had in his bill, when it was originally introduced, funding to cover that purpose. The witnesses who came here to testify on behalf of the administration said, in effect, "Don't put us on the spot by putting the figure in the bill, because we don't know whether we are going to have that much money available." In other words, they were object-

ing to the reforms in one breath by saying, "We don't have the money to pay for them," and then saying, "Don't ask for the money."

So we end up with the same old problem we have had before, of a lot of rhetoric about putting an end to hunger, and then a very careful sidestep in failing to provide the money that is needed.

It is all well and good to talk about an open-ended appropriation if you know that you have a commitment from the administration to ask for the money that will be needed to carry out these reforms. But every indication—I say this with very considered judgment, and I think it is true with other members of the committee—is that there is no intention to ask for adequate funding to carry out the kind of reforms that will be needed to make this program relevant.

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

Mr. McGOVERN. I yield.

Mr. TALMADGE. How is it more liberal to put a ceiling on a bill than it is to have it open ended?

Mr. McGOVERN. In the absence of that kind of instruction from Congress of a specific authorization——

Mr. TALMADGE. The authorization constitutes the ceiling, as the Senator knows.

Mr. McGOVERN. Yes, but the ceiling is set at a reasonable level to provide the funds we need to do the job.

Mr. TALMADGE. Is it the Senator's idea that the ceiling would also constitute a floor?

Mr. McGOVERN. It is my argument that the funds we are asking for under Senator HART's amendment will meet the minimum needs that we have estimated for fiscal 1971, 1972, and 1973, and that is really what we are talking about. The absence of any kind of authorization is an indication, as I see it, to those who are going to be administering the program downtown that they are under no particular guidance from Congress as to what they are to do in the way of spending. It leaves the Budget Bureau and the administrators of the program free to cut, reduce, or do whatever they want, without any financial guidance from Congress.

Mr. TALMADGE. I am looking at a copy of the explanation of the School Lunch and Child Nutrition Amendments that the Senator was kind enough to give me, and his appendix A, free school lunch, budget gap. The Senator admits, in his own quotation, that even if the Hart amendment is agreed to, he will still lack $213.4 million of having sufficient money to fund the program. Is that accurate?

Mr. McGOVERN. I could not agree more. I am saying to the Senator that to establish a completely ideal program, the amount of money requested by Senator HART's amendment is not enough.

Mr. TALMADGE. If that is required, why put a ceiling on the amount Congress can appropriate and also cut it off at 1973?

Mr. McGOVERN. Because I want administration officials to understand that the Senate is saying here this afternoon that we want another $250 million spent in fiscal 1971 above and beyond what they now intend to spend, what the administration has asked for in the President's budget, we have set out now, and the President has gone before the White House Conference on Nutrition and said that he wants every hungry child fed by Thanksgiving of 1970. Then he submits a budget that provides for $300 million for school lunch funds. We get another $100 million estimated out of State and local sources, which leaves it $240 million short of what we need, to meet even minimum needs to achieve the President's goal, and using the most conservative figures available.

I am saying to the Senator that unless we provide this authorization or something close to it, we are in effect saying to the administration that they have a free hand to do whatever they want to do with reference to meeting the problems of hungry schoolchildren.

Mr. CANNON. If the Senator will yield, I have listened with interest to this discussion, and I am wondering, if the Senator intends to say what he is saying here in colloquy, why he does not say "not less than" $250 million, rather than just authorize $250 million, because it seems to me that the bill itself would authorize $250 million, or whatever amount the Appropriations Committee suggested and Congress determined to appropriate.

Mr. McGOVERN. Let me say to the Senator that for many years we have had these open ended appropriations and authorizations and they have meant nothing. I think the legislative history we are building now, and the reforms included in the bill, as we provide an authorization of $250 million above what is now in the President's budget, are about all we would hope to accomplish. I think that, in the absence of that, if we follow the pattern used in the past of open ended authorizations, without any figures spelled out, we will be back here a year from now talking about the same gap that is facing us today.

Mr. HART. First, let me say, on the point just made by the Senator from South Dakota, that we have gone up this hill for several years now, an open-ended authorizations, and find it is an open ended sack. It is the feeling and the hope that, by suggesting as a limit the figure we do, there will be some will on the part of the administration to come in and offer more than the $44 million they now suggest.

Mr. CANNON. If the Senator intends to make this type of request, would it have any binding effect on the Appropriations Committee?

Mr. HART. We do not represent that it would. We assert that the open-ended approach has been ineffective thus far, so, now, let us try this and see if we cannot get closer to a figure from the administration which will be more effective.

Mr. CANNON. Is it the Senator's intention that the bill as now drafted would not authorize the appropriation of the amount set forth in the amendment?

Mr. HART. Just as it has in the past, it would authorize what is needed, but we have never gotten what was needed in the past. Let us try it this way. Maybe we will get it this time. That is the point of our suggestion.

Mr. CANNON. That does not seem to be a very good argument, that because we did not get it in the past, because it was open-ended, we will get it now. That is not a very logical argument, as I see it. If the Senator wants to get something, why not say to appropriate "not less than" so much money? Then we would be putting in some guidelines that would at least mean something.

It does not appear to me that the Senator's proposal really has—I supported the last amendment—but it certainly does not seem to me this is a logical argument for putting a ceiling on, where we have an authorization that includes at least that much now.

Mr. McGOVERN. I should like to ask the Senator, as a point of information, whether that is a valid legislative procedure to say that, under an authorization bill, "not less than" an amount could be spent. Is that not invading the appropriations process?

Mr. CANNON. What I was suggesting is, "It is hereby authorized to be appropriated not less than." One can put in "not less than," just the same as one can put in, "not more than." It does not mean anything unless one gets it. The Appropriations Committee will have to determine that.

Mr. McGOVERN. I think the net effect would be the same. If the Senate would pass a strong school lunch bill, without specifying the amount, it would have the same impact as it would by using the words the Senator suggested or not. I personally have no objection to that modification. The Senator from Michigan may wish to speak to it.

Mr. HART. The yeas and nays have been ordered. To modify it would require unanimous consent, I believe. The Senator from North Dakota, who has worked with this problem, has indicated as his judgment the desirability of fixing an authorization of not less than.

Mr. President, may I suggest the absence of a quorum in order to clarify from the Parliamentarian whether this does in fact invade the appropriations process.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Michigan on whose time, there being 19 minutes remaining.

Mr. HART. On our time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. 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. HART. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Michigan has 12 minutes remaining. The Senator from Georgia has 30 minutes remaining.

Mr. HART. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 additional minutes.

Mr. HART. Mr. President, after con-

sultation with several of our colleagues, the Senator from South Dakota (Mr. McGOVERN) and I advise the Senate that in our opinion the most appropriate, and we would hope, the most effective way to respond to what all of us sense to be a problem that should be resolved—namely, our failure to deliver on the promise to feed the children—would be met better by agreeing to the amendment as proposed without any modification.

Mr. President, our reason has been stated. The experience is clear that when we have had an open-ended authorization in this area, grossly inadequate funding has been the result. It is our hope that by having a benchmark figure of $250 million this year, $300 million for 1972, and $350 million for 1973, the Department will recognize our feeling that figures in that range are required in order to assure the feeding of those children.

One can say, "but it will not happen." I cannot assert that it will, because none of us has a crystal ball. I can remember our experience with the Federal Water Pollution Control Act, when, after having established an authorization of $1 billion as a target figure, have seen in these recent months the delivery of $800 million rather than the $214 million proposed in the budget for 1970.

That experience persuades us that there is a likelihood that the same result will obtain if we fix in this debate today a target figure in the range we are suggesting.

We are all on notice that the Department says it cannot deliver because they do not have the money. Yet, they come around saying, "Do not give us the money."

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

Mr. HART. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. HART. Mr. President, we think that by setting the $250 million target figure, we will persuade them of the necessity to come in with substantially more than the present figure of $44 million.

Mr. TALMADGE. Mr. President, I yield 5 minutes or such time thereof as he may require to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I regret that the amendment proposed a while ago was agreed to. That means that the Federal Government would be spending much more money than it has spent in the past.

It further means that the cooperation that now exists between the State and Federal Government in the operation of the program would be lessened.

I do not quite understand the argument of my good friends, the Senator from Michigan and the Senator from South Dakota.

The Senator from Michigan mentioned the Pollution Act. It was my privilege to handle that bill, and although we had specified amounts in that bill, the administration never saw fit to authorize the amounts mentioned by Congress. To the contrary, the amount provided has been much less.

As I recall, the first authorization for the first year was something like $450 million. For the next year, it was $700 million, and for the next it was $1 billion each, and the fourth year $1,250 million. Congress only provided $250 million last year, and the administration, through the Budget Bureau, recommended $250 million. It was the Senate committee that put in the $1 billion. Therefore, if a stipulated amount did not work in this case, why should it work in the school lunch program.

I feel confident that, with the evidence we have before our committee and the fact that the administration is desirous of providing the funds necessary to operate the program, we would be far better off with an open-ended authorization than to limit it.

I am really and truly surprised that such arguments should be presented to the Senate. It certainly has not worked that way in the case of the pollution program. I doubt that it will work in this program.

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

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, there is a good deal more at stake here than meets the eye. In the first place, the Committee on Agriculture and Forestry came out with a new bill. It had the approval of 12 of the 13 members of that committee, some of whom originally would have preferred a much less generous bill than the bill reported by the committee.

The same situation took place on the food stamp bill. With only one member of that committee opposing what the committee did, the Senate overruled the committee and sent a bill over in July of last year to the other body. It was greatly swollen. No action has been taken on it yet, and we have gotten nowhere by overriding the committee action in that manner. And now, it is proposed that the same course be followed in this instance; in other words, that we do away with the action of the Senate committee.

I want to call attention to the fact that the Senator from Louisiana was one of the joint founders of this school lunch program years ago and that year after year he sought to increase the funding and to add to the original bill additional measures of which he was the author, such as the breakfast program and the facility programs, and other programs, which have made the program so much bigger.

I do not think it is sound practice to overrule a committee and the chairman of the committee. The Senator from Vermont (Mr. AIKEN) has stood shoulder to shoulder every time with the Senator from Louisiana in what has been done in this field. I do not think it is good practice or procedure to overrule the committee and that is what is proposed by this series of amendments.

The second thing I do not like about this is the implication that the committee is not generous in dealing with the school lunch program. The authors of this amendment have very short memories. Last week, the same day this bill was first taken up and immediately before it was taken up, we passed a measure which came out of the Committee on Agriculture unanimously directing that $30 million be taken out of section 32 funds—a very highly regarded agricultural fund, by the way—to fund for the balance of this year a present deficiency in the funds for the school lunch program. That bill was passed without a dissenting vote on the consent calendar just a few minutes before we took up the bill that is pending now.

Mr. President, to the livestock industry, to the poultry industry, to the fruit and vegetable industries and to the many who produce perishable crops amounting in totality to more than one-half of the agricultural production of this Nation, section 32 is of immense value.

What did our committee do on this $30 million venture? We could not require an additional appropriation. We called to find if it could be made available without imperiling the carryover fund. When we were advised that there had been few claims on section 32 funds this year the committee unanimously and without a minute's delay voted approval of that bill and it was passed. I do not think that is an act of an ungenerous committee or an inhumane committee. I think, to the contrary, the committee showed itself to be both generous and humane. We cut corners by making it unnecessary to take that matter to the Committee on Appropriations, which would have been the case. Last year we had the same situation in making $45 million more available. I say more because we had already made $290 million available out of section 32 funds for the special milk program, for the school lunch program, and for other programs. We added on $45 million when we found we could do so and still have the carryover at the end of the year. We added on for this very objective.

When we have come out of committee, as we did, with no dissenting vote except one—and that was not a dissenting vote; the Senator from South Dakota said he had three or four amendments he would propose on the floor, and what they would consist of—I think we should uphold the committee and the thinking of every member of that committee, but one. I do not think there is an inhumane member on the committee. I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, if no other Senator wishes to speak I am prepared to yield back my time.

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

Mr. HART. I yield 2 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I merely want a few minutes to respond to the statements of the Senator from Florida. First I want to make clear that no one here has suggested that the Committee on Agriculture, on which I am proud to serve, is inhumane. As a mat-

ter of fact, I began my remarks, as other Senators have, by paying tribute to the distinguished chairman of that committee and to other members of the committee, and especially the Senator from Georgia (Mr. TALMADGE), who is the author of this very fine bill that we are debating this afternoon.

However, the entire purpose of this sequence of amendments is to strengthen what we recognize as a good bill. I do not think what we have proposed is a reflection on the humanity or generosity of the members of the Committee on Agriculture, but it is a method, a perfectly legitimate and valid legislative process, and a means of strengthening the pending bill, and I refer to the floor of the Senate.

With respect to the statements by the Senator about the use of section 32 funds I appreciate as much as anyone what the committee has done with respect to protecting the real purpose of the program. That is why we asked for funding from other sources; to provide $250 of additional money, not by taking it out of section 32 funds, not by jeopardizing agricultural interest in that program, but by securing this money under the section 11 part of our school lunch program as a proper place to secure the additional financing that is needed. It would not have been necessary to take $30 million out of section 32 last week or $45 million out of that program in 1969 if we had had adequate authorization and appropriation for this program, as to the purpose of the amendment of the Senator from Michigan (Mr. HART) in his amendment, to provide adequate funding and carrying out the functions of our school lunch program.

I hope the amendment is agreed to.

Mr. TALMADGE. Mr. President, if no other Senator desires to speak, I am prepared to yield back my time, if the Senator from Michigan is prepared to yield back his time.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time is yielded back. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Kansas (Mr. PEARSON) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 35, nays 36, as follows:

[No. 53 Leg.]

YEAS—35

Brooke	Inouye	Pell
Burdick	Jackson	Prouty
Case	Mansfield	Proxmire
Cook	Mathias	Randolph
Cooper	McCarthy	Ribicoff
Eagleton	McGovern	Schweiker
Goodell	Mondale	Spong
Gore	Moss	Stevens
Harris	Muskie	Symington
Hart	Nelson	Tydings
Hatfield	Packwood	Williams, N.J.
Hughes	Pastore	

NAYS—36

Aiken	Dominick	Jordan, Idaho
Allott	Eastland	Magnuson
Anderson	Ellender	McClellan
Bellmon	Ervin	Murphy
Bennett	Fannin	Russell
Bible	Fong	Scott
Boggs	Goldwater	Smith, Maine
Byrd, Va.	Gurney	Stennis
Byrd, W. Va.	Hansen	Talmadge
Cannon	Holland	Thurmond
Curtis	Hruska	Williams, Del.
Dole	Jordan, N.C.	Young, N. Dak.

NOT VOTING—29

Allen	Hartke	Mundt
Baker	Hollings	Pearson
Bayh	Javits	Percy
Church	Kennedy	Saxbe
Cotton	Long	Smith, Ill.
Cranston	McGee	Sparkman
Dodd	McIntyre	Tower
Fulbright	Metcalf	Yarborough
Gravel	Miller	Young, Ohio
Griffin	Montoya	

So amendment No. 510 was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE ASSIGNMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338, 88th Congress, second session, appoints the Senator from Georgia (Mr. TALMADGE) to the Select Committee on Standards and Conduct.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

The Senate continued with the consideration of the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 511

Mr. MCGOVERN. Mr. President, I call up my Amendment No. 511, and ask that it be stated.

The LEGISLATIVE CLERK. The Senator from South Dakota (Mr. MCGOVERN) proposes amendment No. 511, as follows:

On page 29, after line 6, insert the following: Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATION

"SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $25,000,000; for the fiscal year ending June 30, 1972, $50,000,000; and for the fiscal year ending June 30, 1973, $75,000,000 to enable schools to initiate, maintain, or expand nonprofit breakfast programs for needy school children.

"APPORTIONMENT TO STATES

"(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the State educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(d) Breakfasts served by schools participating in the school breakfast program un-

der this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: *Provided*, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than $4,000 for a household of four persons shall be eligible to receive meals without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

"NONPROFIT PRIVATE SCHOOLS

"(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof."

Mr. McGOVERN. Mr. President, the principal sponsor of this amendment is the senior Senator from Massachusetts (Mr. KENNEDY), who is unable to be present in the Senate today because of illness. Some nine Senators have joined in cosponsoring the amendment—the same Senators who sponsored the two previous amendments on which the Senate has already acted.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McGOVERN. As Senators know, a school breakfast program was inaugurated in 1966, largely on a pilot basis, to demonstrate what was already then believed to be a rather certain fact—that school performance is very considerably enhanced when the pupils receive a school breakfast. It was generally known that millions of children from poor families were going to school without breakfast, and that this fact was reflected in very poor performance in the classroom.

So a small investment was made, as I say, largely on a pilot basis, to give some measurement of the impact of the school breakfast upon health and academic performance. At the present time, we are feeding approximately 200,000 children under this program in some 2,900 schools, which of course means that the overwhelming percentage of youngsters do not even attend schools where a school breakfast is offered, and a rather small percentage of the youngsters of the Nation are participating in the program.

But those who are participating are responding on a scale that has left no doubt at all in the minds of those observing the program that it has been a most worthwhile investment, in terms both of improved health and of improved academic performance on the part of the participating students. To cite one of the witnesses who testified before the Senate select committee on this matter, Dr. Ray Hefner, professor of pediatrics at the University of Maryland, he recounted observations over many years on youngsters in the Baltimore school system, who go to school, in many cases, without any breakfast, and in some cases without lunch.

He said that for the poor families, breakfast is usually the first meal that is sacrificed; and in the Baltimore system, as in other schools that were under observation, behavioral patterns and attention problems were so painful and so dramatic, as contrasted with what happened when a school breakfast program was installed, that no observer could miss the dramatic contrast.

During the fiscal year ending June 30, 1969, we put only $4.2 million in Federal funds into this program. At present, for fiscal 1970, some $12 million has been authorized. The President's budget is couched in terms of $15 million. What is proposed in the amendment by the Senator from Massachusets (Mr. KENNEDY) and others is that the authorization be increased, in fiscal 1971, from $15 million to $25 million, and that that authorization be increased to $50 million in fiscal 1972, rising to $75 million in 1973.

In addition, this amendment provides for the same reform guidelines for the school breakfast program that we adopted earlier this afternoon in the amendment I offered to open the debate—in other words, guidelines that would concentrate the major portion of this program on the poorest children, on the neediest children, and on the neediest schools.

I think there is no great point in belaboring this amendment any longer. It is clear that what we are trying to do is to bring about a modest and I think entirely justified increase in funding for the school breakfast program. We have had some 3 years of experience with it. The time has come to begin moving beyond the pilot stage into a somewhat more significant program. We ask for limited amounts of money in a period of 3 years, but it will provide the kind of Federal backup that will enable us to raise the level of participating students from 200,000 to the point, in 3 years, that some 3 million of the neediest children can benefit from the school breakfast program.

I sincerely hope that the Senate will grant this request to give us an adequate school breakfast program by adopting this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG in the chair). Who yields time?

Mr. TALMADGE. Mr. President, if I may have the attention of the Senate, I think that if all Senators understand what is in this amendment, they will vote to reject it overwhelmingly.

This is what the amendment would do. It would restrict this breakfast program to needy children. It would provide for the use of a different formula for apportioning breakfast program funds to the States. It would provide for financing by the United States of 100 percent of the operating expenses of the program in any and all schools at the election of the State educational agency. It would make any child who is a member of a family eligible to participate in a food stamp or commodity distribution program, or which has an annual income equivalent to or less than $4,000, for a household of four persons, eligible for a free breakfast. It would require the execution of an affidavit to show their income.

For example, if a man owned $300,000 worth of IBM stock, he would earn less than 1 percent return on his investment. His child would come to school, and the parents could sign an affidavit saying that he had an income of less than $4,000. They would put the child in a dining room restricted for poor pupils and feed him at the cost of the taxpayers of the United States, 100 cents on the dollar, and all the other students would point to him and say that he is poor, that his family cannot buy his breakfast.

That is what this amendment provides.

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

Mr. TALMADGE. I yield.

Mr. AIKEN. The Senator has almost answered by question. I was going to ask if the needy children would be required to wear ear tags or license plates.

Mr. TALMADGE. They would be singled out and classified as being poor. This program would be restricted to the poor, and everyone who saw them would look at them and sympathize with the poor, pitiful children to whom the Government is giving breakfast.

Mr. AIKEN. I was going to ask if they would have to wear a license tag so the people could make no mistake in having them branded as poor, needy children.

Mr. TALMADGE. I do not think a license tag is required by the amendment, but these poor students would have to be isolated in a place in which no one else could be served.

Mr. AIKEN. Practically quarantined.

Mr. TALMADGE. Exactly.

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

Mr. TALMADGE. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Could the Senator tell me the process by which the families would be identified as having incomes under this amount?

Mr. TALMADGE. The school would have to take a census monthly, under the criteria of the first McGovern amendment that was agreed to, to determine those families that earned less than $4,000 a year, regardless of their assets. If a man had assets of $100 million and had income of only $3,999 a year, regardless of the fact that he lived on a farm and raised chickens and cattle and peas and wheat and lived very well, the Government would have to pay 100 cents on the dollar to feed his children in a poor folks' cafeteria in that particular school.

Mr. GOLDWATER. Is this not something like the means test?

Mr. TALMADGE. It is the means test. As a matter of fact, he would have to execute an affidavit stating that he did

not earn $4,000 a year. A census of the families would have to be taken once every month to make sure they did not earn $4,000 a year. Every time a family moved, they would have to execute a new affidavit to demonstrate how poor they are, so that their children could get the poor folks' breakfast.

Mr. GOLDWATER. Does the Senator recall the days we served together when the means test would bring the loudest cries from the liberals that one ever heard?

Mr. TALMADGE. I do, indeed. To my mind, the means test always has been degrading. A child would have to get an affidavit from his parents and bring it to school. It would say that this is a poor family. He would be isolated and put off somewhere, in what would be referred to as the poor folks' cafeteria, and he would be fed in the poor folks' cafeteria.

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

Mr. TALMADGE. I yield.

Mr. DOLE. Mr. President, I think the broader question involved was just discussed in great detail about the lack of funding for the school lunch program. Now we are talking about enlarging the school breakfast program, before we have even assured that every child in America will have a hot lunch.

It appears to me that, despite our desire to do what we should in this area, we recognize, as has been stated by almost every Senator in the Chamber, by the President, and by others, that some time this year we will provide a lunch for every needy child in America. If we are going to drain off some of these resources to start a breakfast program, I think we may as well face the fact that what we are really talking about is a nationwide breakfast program for every child in America coupled with a nationwide lunch program and, perhaps in a few years, a nationwide evening meal.

The point is this: Should we not establish some priority? And have we not established a priority that, first of all, we certainly can have a lunch? This is what we discussed in the committee and on the Senate floor.

In addition, I would agree that we say to the person who can pay for part of a meal, "You are not eligible. You have to be in the needy class. You have to have the affidavit signed. If you can pay for a portion of your breakfast, you can't have a breakfast. If you can't pay anything and if your parents sign an affidavit on a weekly or a monthly basis that they have less than $4,000 income, then you will be eligible for a free breakfast."

But I would hope that the amendment would be rejected on the basis outlined by the Senator from Georgia.

Mr. TALMADGE. I thank the distinguished Senator from Kansas, who is a member of our committee.

Mr. President, I am a strong supporter of the school breakfast program, but I think this amendment goes about it in a very poor way. This program, begun as a pilot project with the enactment of the Child Nutrition Act of 1966, has proved to be extremely beneficial when school districts have chosen to use it.

Let me say, for the benefit of the Senate, that that program was initiated by the Committee on Agriculture and Forestry. I say to those Senators who have any doubt as to the humanitarian motives and principles of the committee that it was initiated by that committee.

I have visited some of those programs in Georgia.

During my tour of school lunch programs in Georgia, I visited Alexander II Elementary School in Macon, Ga., and watched a good breakfast program in action. No one who has stood, as I have stood, in this school and watched eager little children file in to eat their breakfast could doubt that the breakfast program has tremendous merit.

The teachers and administrators in this school were extremely enthusiastic about the breakfast program. They stated that the children were much better behaved and more responsive after having a good, nutritious breakfast.

Although I feel that the breakfast program should be expanded, I do not agree with the way the Senator from South Dakota's amendment would accomplish the expansion.

The program has a number of glaring flaws, some of which I have already pointed out on the floor of the Senate. First, under amendment No. 511, the program would be restricted to needy children. At present, the breakfast program is open to all children. Those who can pay for their breakfast pay. Those who cannot pay get their breakfast free.

I have considered one of the most important features of S. 2548 to be the prohibition against overt identification. If the school lunch program and the school breakfast program are to be fully effective, there must be no barriers which prevent full utilization of free and reduced price lunches by the children who need them. S. 2548 amends section 4 of the Child Nutrition Act, the section which authorizes a school breakfast program, to read:

> Nor shall there be any overt identification of any such child by special tokens, announced or published list of names, or other means.

That is what the Senate committee bill did.

Under the present amendment, the child who takes advantage of a school breakfast program would be instantly singled out as a "poor" kid. If I am any judge of human nature, a great many children would have too much pride to get their school breakfast, even though they might really need it. So that the breakfast program that could be furnished under this amendment would be for poor kids. There are some who would not want to march into school and say, "I am a poor kid; feed me." It would embarrass them.

The Senator from South Dakota has been ambitious in his attempt to change the school breakfast program. Under amendment 511, the Federal Government would finance 100 percent of the operating expenses of the school breakfast program in any or all schools at the election of the State educational agency. One reason the school lunch program has been so effective is that it is worked on the principle of Federal, State, and local cost sharing and cooperation. The Senator from South Dakota would have the Federal Government underwrite the full operating cost of breakfast programs. Already, under the Child Nutrition Act of 1966, the Federal Government is authorized to pay up to 80 percent of the total program cost in situations of severe need, with appropriate justification from the schools.

Under a system where the Government pays 100 percent of the cost, there is little incentive to hold costs down. I believe that the efficiency of operation and economy would suffer under such a program.

Perhaps the most objectionable feature of amendment No. 511, is the establishment of a national uniform eligibility standard. Under the terms of this amendment, any child from a family which has an income equivalent to or less than $4,000 for a household of four persons, would be eligible for a free breakfast.

In a country where costs of living vary as much as they do in the United States, I believe it is folly to attempt a national uniform eligibility standard. A family of four on a small farm in Georgia might do quite well on $4,000 of income. In fact, they might be considered affluent in some neighborhoods. The same could be true in Tennessee, Vermont, and other States. But, in New York an income of $6,000 a year might be considered too low. That is why this should be left at the local level.

A family on a farm, where they have cattle, pigs, chickens, and a garden where they could grow corn and wheat, could live extremely well on a modest income. But if we have a family living in an apartment in New York City, Philadelphia, or Chicago, $6,000 a year might be an extremely modest income.

So why try to establish a national uniform clause here that would be meaningless as to what a person might do. I hope that the Senate will reject any such idea. That is what we should do. But, more important than that, even this criteria is tied to income. As I pointed out a moment ago, one could have $300,000 worth of IBM stock and still his income would be less than $3,000. His children would be eligible for a free breakfast, and when they went to school, they would be singled out in the dining room as coming from a poor family.

Furthermore, it appears highly likely that many families who have incomes of less than $4,000 would not permit their children to be stigmatized by participating in a program which is available to the poor only. Under the terms of amendment No. 511, determinations of income are made solely by execution of an affidavit.

I know that in my own State of Georgia most working families who earn less than $4,000 per year have too much pride to sign an affidavit saying they are poor.

According to the U.S. Department of Commerce, 46.5 percent of the families in the South had an income of less than $4,000 per year in March 1960. I doubt that we would get nearly half the families in the South to sign a pauper's oath. Also in March of 1969, 26.2 percent of the families in the Northeast had incomes of less than $4,000 per year. I am not so familiar with the Northeast as I am with my own region, but I do not

believe we would get 26.2 percent of the families in the Northeast to sign an affidavit saying they are poor.

In attempting to expand the school breakfast program, the Senator from South Dakota would transform it into a welfare handout. In transforming it to a welfare handout, he would destroy it.

Mr. President, I hope that the Senate will reject as foolhardy an amendment such as this one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Georgia ask for the yeas and nays?

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. Does the Senator wish me to yield him time or just to yield for a question?

Mr. HOLLAND. Just long enough to read from the amendment.

Mr. TALMADGE. I yield.

Mr. HOLLAND. Mr. President, I just wish to read generally with reference to the qualifications from the amendment:

Provided, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than $4,000 for a household of four persons shall be eligible to receive meals without cost.

And then this, Mr. President:

The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. President, I yield the floor.

Mr. COOPER. Will the Senator from Georgia yield me some time?

Mr. TALMADGE. How much time? Four minutes?

Mr. COOPER. Yes. I intend to vote against the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 4 minutes.

Mr. COOPER. Mr. President, my reason for voting against the amendment is not the same as that of the Senator from Georgia. I voted for the last amendment to authorize more money for the school lunch program. I did so, because I had read in the committee that of some 9 million schoolchildren eligible to receive free lunches, over 6 million were not able to pay the cost at all, or were not able to pay the cost they were asked to pay. That is the reason I voted for and supported the last amendment, for if we are going to provide free lunches for all children, above all we should take care of the economically depressed.

When the pilot breakfast program was inaugurated, I happened to be serving on the Committee on Agriculture and Forestry. It has been a pilot program, in my State, which has fared well. Last year under the program, 194,930 children received breakfasts. Out of that number, approximately 25 percent received a free breakfast. I assume that the school authorities determined that 45,000 schoolchildren in Kentucky are so poor that they could not pay anything. I assume that the Senator from South Dakota's amendment is reaching for approximately 25 percent—the poorest children. But if $250 million additional is required to take care of the children's free lunch program to provide for those children in the program who cannot pay required costs then the figure of $25 million he requests in fiscal year 1970 for the breakfast program is totally inadequate. Authorities would be forced to select the poorest of the poor and leave the other poor children out. I must say, with all due respect—because I know the Senator has a good objective—that it would be totally inadequate to meet the needs of the free or reduced-price breakfast program.

Mr. C. E. Bevins, director of Kentucky school lunch program, who operates that program in Kentucky, has told me that he considers the breakfast program is, in some respects, more valuable than the free lunch program. When the children come to school in the morning, and have a good breakfast, they start off the day with energy and work better and learn more than they do in the afternoon, after the school lunch. It is necessary for the development of an adequate mind and body.

I hope that some time in the future we will have such a complete program, for those who are poor and unable to get a nutritious breakfast—and one that begins with pre-school children, all of them.

I agree with the Senator from Georgia that children who come from a farm are more likely to have a good breakfast. However, in many places children cannot.

I notice the program provides for the operating costs to be paid out of the fund even 100 percent. I do not know how this can be done and still have free breakfasts in the rural sections of this Nation.

I do not complain because many write about our poverty. Poverty does exist in Kentucky in many rural sections. But we work at it and do have a good school lunch program, and breakfast program, and the State, local communities, and recipients help pay the bill.

The trouble is that some of the rich States—New York, Massachusetts, Pennsylvania, and others—do not support as poorer states do in the provisions of facilities for a free lunch program.

I oppose the amendment as written because it would allow these States to escape supporting costs, and every recipient to have a free breakfast—even though able to pay for part of the cost.

I really hope to see a good breafast program. However, this amendment does not provide the funds for a good program and it has the defects I have stated.

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

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I am very anxious to see a good program established also. I supported the school lunch programs and other programs of this sort.

What disturbs me is to have this called a means test.

I have never heard the term "means test" used before without the adjective "infamous."

Would the Senator tell me whether he finds this as the interposition of a means test?

Mr. COOPER. Mr. President, actually, in the school lunch program, school authorities have to make a determination as to which children should have free lunches. So, in effect they make a means test. However, I think that to require some poor parents—many of them whom are ignorant and uneducated—to come in and make an affidavit and have a notary public acknowledge the affidavit is going too far.

Mr. SCOTT. Mr. President, to establish a breakfast program under the pending amendment, the children who get breakfast would be segregated from the rest of the children.

Mr. COOPER. The Senator is correct. But I am not so much worried about that if the child is hungry. I would rather the child have something in his stomach.

Even today in the school lunch programs, poor children may be going up to get lunch at the end of the line.

Those who pay for lunch may be in the front of the line, and those who pay less or who pay nothing may have to stand back. So they are marked in a way.

I think the important issue is that they get food.

Mr. SCOTT. Does the Senator agree that it would be better to have them fed and not segregated?

Mr. COOPER. I agree.

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. McGOVERN. Mr. President, I have been amazed by some of the answers that have been offered by Senators in objection to the amendment.

First of all, a strenuous complaint has been registered about the so-called means test, as though we were suggesting in the amendment that some kind of means test was going to be introduced that we had not had in the past to deal with the poor children.

Listen to the language in the committee bill with the amendment:

Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.

This is the amendment. This is the means test.

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

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, will the Senator read further on line 20 of the amendment:

The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. McGOVERN. That is the provision in the amendment that is pending. That is what I propose.

Mr. TALMADGE. That is not in the bill. That is the Senator's amendment. That is a means test by affidavit.

Mr. McGOVERN. Mr. President, as a matter of fact, would it not be much more dignified for a family to simply set forth by affidavit that their income is below $4,000 than to use the test provided in the bill?

Mr. TALMADGE. I do not think it is.

Mr. McGOVERN. Mr. President, this would require school authorities to identify which children are poor and which are not.

Mr. TALMADGE. Mr. President, I think the local people at the local level can make a better determination than by going around and having people swear to an affidavit once a month.

Mr. McGOVERN. This would not have to be done once a month.

Mr. TALMADGE. The people can determine pretty well the children that come from neglected families.

Mr. McGOVERN. The Senator from Georgia painted a picture of the awful experience of identifying the poor children. He proposes to do it by providing some method of finding out the income of those families so that the children can be certified.

I am saying that there is no more dignified way than to let the family sign a statement saying that their income is below $4,000.

What could be more dignified and a more gracious way of handling the program than that?

Under the Senator's proposal, it virtually leaves it to the school authorities to make that judgment.

Within a single State there are situations where a family on an income of $2,000 is qualified to recieve a free or reduced price meal. In other parts of that same State, the figure is $4,000; and in some cases, if a family is on welfare it is not qualified at all, while in other parts it is. There is this hopeless tangle of regulations which make it impossible for a reasonable determination to be made.

What is envisioned in this amendment is a simple declaration on the part of the family that their income is below a certain level.

Mr. TALMADGE. I do not know of any other area of activity where we require an affidavit from an individual about his poverty, unless it is a pauper's affidavit that is filed when one files a petition in bankruptcy or in some other legal proceeding. I know of no other instance where there is such a demand. In old age assistance it is not done.

I think it is much more demeaning than it would be to have an independent investigation by teachers or the faculty, or those designated by the school board with respect to whether the child needs a free lunch or a reduced cost lunch, or a free breakfast or a reduced cost breakfast, and to make a determination as to who can pay and who cannot pay.

Mr. McGOVERN. Mr. President, I am at a loss to understand the Senator's logic with respect to why he feels it would be more dignified to have someone snooping around to find out what that family is earning, or to have some welfare worker prying into the affairs of the family to find what the income level is, rather than to let the family do it.

I might say to the Senator that in the President's new welfare reform proposal, which I believe we will be debating later this year, he suggests that welfare be determined by a simple affidavit of the family. I think that is the dignified and the modern way to do it.

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

Mr. McGOVERN. I yield.

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

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER The Senator is recognized for 5 additional minutes.

Mr. MONDALE. Mr. President, as I understand it, the issue being discussed now is an old one that has been with us in welfare programs around the country for years. The question is how to be sure that the Public Treasury is being properly protected and at the same time protect the dignity of those who must rely on welfare assistance in the process of providing it to them.

Am I not correct in saying that the filing of an affidavit perimts this to be done in the most efficient manner with the least embarrassment to the recipient, and that figures have shown modest and infinitesimal losses of funds to persons who are ineligible?

Mr. McGOVERN. I think the Senator is absolutely correct in saying that the use of a simple affidavit filled out privately by the individual in which he establishes his claim is much more dignified and a simpler method than the present hodgepodge of systems used in various States and it represents a step forward.

Mr. MONDALE. I understand the record sets forth several examples in which local organizations establish committees to go into the home, ask questions, interrogate the family and investigate. One school board made use of a PTA committee. They would go in the homes and ask many questions. The record shows many other examples around the country of humiliating, degrading, and snooping tactics. All of us assume the poor are trying to chisel and all of us would permit investigations that are so bad that people would rather starve than be exposed to that kind of treatment.

Mr. McGOVERN. I think the Senator's point is well taken. When we file our income tax returns we do that on the basis of an affidavit. Occasionally someone comes around and asks us but the average citizen files his return based on his word. We are using that term for children entitled to free or reduced-price lunches.

Mr. MONDALE. Am I not correct in saying that the key issue is not so much those who are fortunate, but rather, the real issue here is whether we wish to increase this Nation's commitment to expanding the school breakfast program and making it possible for the poorest of the poor to participate?

Mr. McGOVERN. The Senator is absolutely correct. That is why I was puzzled by the argument of the Senator from Kentucky a while ago that he was inclined to vote against the amendment——

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

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. McGOVERN. I was puzzled by the argument of the Senator from Kentucky that he was inclined to vote against the amendment because it would not provide enough for the school breakfast program. He suggested going from $15 million to $25 million in fiscal 1971; and then $50 million and then $75 million was not enough money to give us an adequate school breakfast program, and he may be right. It is no reason to say we are better off with $15 million because $25 million is not enough.

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

Mr. McGOVERN. I yield.

Mr. COOPER. Mr. President, I anticipated the argument. The Senator has not properly interpreted my remarks, although I probably did not make my remarks clear enough.

In his amendment, the Senator provides for as much as 100 percent of the cost of operating out of the authorization. I pointed out that I do not think this is correct. I have studied the school lunch program and the breakfast program.

I cannot understand when poorer States, including my State, pay their share—and I have looked into the situation in my State—why is it that the richer States do not share their part of the operating cost. Why should the rest of the country pay the sum total operating costs of the program of these States?

The breakfast program can be as good or a better program than the school lunch program. Rather, in his amendment the Senator would provide for 100 percent of operating costs and allow all recipients to have free breakfasts. Much attention is directed to poverty all over the Union, including my State. That is correct. But when we began to look at this problem several years ago, I found that many of the big cities of our country do not have adequate food programs at all, much to my surprise.

In some of the larger cities the figures are as follows: Baltimore, 22 percent; District of Columbia, 25 percent; Jersey City, 21 percent; Houston, 9 percent. The list goes on and on. Yet this amendment would require the rest of the country to pay their operating cost.

I will vote for a properly conceived school breakfast program, but I do not think this one is.

Mr. MAGNUSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. McGOVERN. I yield.

Mr. MAGNUSON. I was going to pursue what the Senator from Kentucky just pursued, and suggest that I think the amendment is perfectly all right;

that in the beginning, as we move along, why should there not be some local participation? I understand the school lunch program and favor it. Everybody is eligible. But why should the amount of Federal participation not be 80 percent? I would still vote for an increase in the amount of the authorization, but why should not the Federal participation be limited to 80 percent so there would be a little local responsibility in the matter?

In appropriating moneys under the education programs, I find that where there is no local participation at all the tendency is for the programs not to be managed as well as when there is some local participation. In the latter case the local officials watch the programs closely and make their decisions more carefully.

The school breakfast program has many other values, but it is a sensitive matter with respect to some families, and some problems must be anticipated.

Perhaps the Senator from South Dakota does not have the permission of the Senator from Massachusetts to modify his amendment, but I believe it would make the amendment more acceptable to some of us who would like to go along with this program if the Federal Government were not required to pay 100 percent of the cost. If there is some reasonable local participation, I feel the amendment will be greatly improved.

It may be that as we progress and there is additional proof that more money should be involved, the Federal Government may increase its funding. If it is a good program, we will furnish more money.

I can see where there may be some abuse and people will be questioned and they may say the wrong thing, or people may be reluctant to sign such an affidavit, as the Senator from Georgia suggested. It is not really an affidavit; it would be merely a statement. Making an affidavit would require payment of a fee, which might cost more than the benefit.

Mr. TALMADGE. Mr. President, if the Senator will yield, the amendment provides that there shall be an affidavit, which means that the person would have to sign before a notary public and pay him a fee.

Mr. MAGNUSON. So I would hope the amendment might provide for local participation, even if it were on the basis of 90–10 percent.

Mr. President, it is getting rather late in the evening, but I merely wanted to add this because, as I was listening to the Senator from Georgia, I could not help thinking there could not be a possible conflict of interest on the part of the Senator from Georgia, because there is nothing better than a Talmadge breakfast of ham and eggs.

Mr. TALMADGE. Mr. President, I appreciate the commercial very much.

Mr. McGOVERN. Mr. President, to respond to the comments of both the Senator from Kentucky and the Senator from Washington with regard to this provision in the amendment, the first thing I want to state about it is that it is not a mandatory requirement. It permits the Secretary of Agriculture, in those cases where he finds a State is unable to pay for part of the operating cost of this program, to authorize full payment of it with Federal funds.

I think it goes without saying that, operating with the limited funds that the Senator from Kentucky and I both agree would be available, there would be great competition for those funds, and no Secretary of Agriculture will treat that authority lightly. The chances are that authority might not be used at all. It certainly would be used sparingly.

If some States were willing to pay 20 percent of the cost, or some portion of the cost, I cannot conceive of a Secretary of Agriculture using those limited funds in States where there was a refusal to do anything at all in the way of making a contribution to the program.

What we discovered is that in certain States, especially in the South—the Senator talked about wealthy northern States—there was a reluctance to pay participation costs, and funds were diverted from title I of the Elementary and Secondary Education Act to finance the cost of the school lunch program. As the Senator knows, that was done on a rather significant scale. It was to head off the use of education funds that it seemed wise to make a provision whereby, if a State could not pay any part of the cost of setting up this program, the Secretary of Agriculture, if he so desired—not by compulsion, not by mandatory requirement—could, in those cases, pay the entire cost.

I also want to remind the Senate that we adopted a provision with regard to the school lunch program—I believe the Senate voted for it earlier this afternoon—to provide that the Secretary of Agriculture could pay for the full cost in those areas where the States were unable to do so.

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

Mr. McGOVERN. I yield.

Mr. MAGNUSON. Mr. President, I am going to make a motion to amend the amendment of the Senator from South Dakota. I have not had a chance to write it all out, but I think it can accomplish the purpose if I state that it would strike out lines 9 through 25 on page 2.

I ask unanimous consent that I may offer that amendment.

Mr. ALLOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. I could wait and do it afterward.

The PRESIDING OFFICER. The Chair will state to the Senator from Washington that, in the absence of a unanimous consent, the motion to amend the amendment of the Senator from South Dakota would not be in order until all the time has expired under the unanimous-consent agreement on that amendment.

Mr. MAGNUSON. Mr. President, I would like to present this amendment to the amendment. Will it be in order after all time has expired on the pending amendment?

The PRESIDING OFFICER. The Senator is correct. He can do it either at the expiration of all time or after all time has been yielded back.

Mr. ALLOTT. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. AIKEN. Mr. President, may I ask the Senator a question? Would his amendment or modification remove either the segregation part or the means test?

Mr. MAGNUSON. No; this amendment would remove the 100-percent provision and make it an 80–20 program.

Mr. AIKEN. It would still leave the means test and segregation part in it?

Mr. MAGNUSON. Yes.

Mr. President, I ask unanimous consent to submit an amendment to the amendment.

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

Mr. MAGNUSON. I move to amend the amendment by striking lines 9 to 25 on page 2 and inserting the following language which appears on page 41 of the committee's report, section 4 (c) and (d). The whole section relates to the State distribution for schools.

Let me explain it very briefly. It would provide for financial assistance by the Federal Government up to 80 percent, and the other 20 percent would have to be taken care of by the local governments.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. After the amendment is stated, the Chair will entertain a parliamentary inquiry.

Mr. MURPHY. It has to do with the amendment.

The PRESIDING OFFICER. The amendment must be stated, and then the Chair will entertain a parliamentary inquiry.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Washington proposes an amendment to the amendment, to strike out lines 9 through 25 on page 2 and insert subsections (c) and (d) of the committee report appearing on page 41.

The amendment to the amendment is as follows:

In the amendment No. 511, by Mr. McGovern, for himself and other Senators, on page 2, strike out lines 9 through 25 and insert:

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating

costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance."

Mr. MURPHY. Mr. President, I would like to inquire about the amount of time that may be permitted on the amendment. Is it the full length of time?

The PRESIDING OFFICER. Pursuant to the Chair's understanding of the unanimous-consent agreement, the time will now be 1 hour——

Mr. MAGNUSON. Mr. President, I can explain it in half a minute.

The PRESIDING OFFICER. One hour on each amendment to the amendment. So it would be 30 minutes to a side.

Mr. MURPHY. One hour on the amendment to the amendment?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the pending amendment, the time to be equally divided between the Senator from Washington (Mr. MAGNUSON) and the Senator from Oregon (Mr. HATFIELD), or whomever he designates.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President, reserving the right to object—and I shall not object—is my understanding correct that now there will be 5 minutes on each side, on the amendment to the amendment?

The PRESIDING OFFICER. The Chair's understanding of the unanimous-consent request by the majority leader is that there be a total of 5 minutes, and I would assume that would be divided, 2½ minutes to each side.

Mr. ELLENDER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. TALMADGE. Mr. President, I yield 5 minutes on the amendment to the distinguished chairman of our committee.

Mr. ELLENDER. Mr. President, I have been chairman of the Agriculture Committee now for quite some time, and have seldom seen us write a bill on the floor of the Senate that was not considered by the committee as part of the whole bill now before the Senate.

There is nothing in the bill or the hearing record with respect to the breakfast program. This bill does not deal with the breakfast program at all. I fostered the breakfast program on a pilot basis 3 or 4 years ago, and I know what I am speaking about.

Mr. TALMADGE. Four years ago, in 1966.

Mr. ELLENDER. Four years ago. That program, which is a pilot program, has been working very well, and it strikes me that before amending it we should have hearings and use that as a basis for any desirable changes.

Here we are, trying to take the breakfast program and rewrite it altogether on the Senate floor. I think that is the wrong way to legislate. Here we are, Mr. President, as pointed out by the distinguished Senator from Kentucky, with the entire cost of this program to be borne by the Federal Government.

What made the school lunch program work well was the fact that we had full cooperation with the Federal Government by the people at the local level. But here we are, considering the breakfast program, which is now operating on a cooperative basis, and it is sought to make it, according to the amendment before us, totally supported by the Federal Government. That means that every State will have the opportunity to take care of its poor on the breakfast program, but the funds may not be sufficient. This amendment, Mr. President, if adopted without hearings and due consideration, I think is wrong. It should be studied, and we should take into consideration all that we have learned from the pilot program that has been on the books now for 4 years.

To me, it looks as if the Committee on Agriculture and Forestry is being overlooked. It does not appear that the committee is being done justice, to have worked on the pending bill diligently, and come out unanimously with the bill that is now before the Senate, and for the Senator from Massachusetts, through the Senator from South Dakota, to put in an amendment that totally changes the breakfast program which was not even considered by the committee at this time. The authorization for that program expires at the end of fiscal 1971.

The point I wish to make, Mr. President, is that the matter now being discussed has not been considered at all, and has not been studied at all, by the Committee on Agriculture, which is the permanent committee which has jurisdiction over the program. I think it is out of order for us to try to write a new breakfast program in which the Federal Government will pay the entire cost.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I have an amendment pending.

The PRESIDING OFFICER. The Senator is correct, and he has 30 minutes under the unanimous-consent agreement.

Mr. MAGNUSON. Mr. President, the amendment I suggest is to bring the formula back to what the committee recommended, as shown on page 41 of the committee report, by restoring the proportions recommended by the committee, 80 Federal and 20 local, for distribution to the schools. That is all it would amend and it should not indicate any opposition to the McGovern-Kennedy amendment.

Mr. McGOVERN. Mr. President, will the Senator yield me 1 minute?

Mr. MAGNUSON. I yield.

Mr. McGOVERN. I am perfectly willing to accept the Senator's amendment to my amendment, or the amendment that is pending.

I do wish to say, however, in all deference to the Senator from Louisiana, that we have nearly 100 percent Federal funding—at least 80 percent—of the breakfast program today. But I am perfectly willing to accept the amendment.

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington has yielded back his time. The time on the other side is controlled by the manager of the bill.

Mr. TALMADGE. No; this is an amendment to the amendment.

The PRESIDING OFFICER. Or by the majority leader.

Mr. MANSFIELD. Mr. President, I yield back the time.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is the pending business the amendment offered by the Senator from Washington?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Washington to the amendment, No. 511, offered by the Senator from South Dakota. All time having been yielded back, the question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment, No. 511, offered by the Senator from South Dakota (Mr. McGOVERN), as amended.

Mr. COOPER. Mr. President, I wish to offer an amendment.

Mr. MANSFIELD. Is it an amendment to the amendment?

Mr. COOPER. It is an amendment to the amendment; yes.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that it will require unanimous consent for him to offer an amendment to the pending amendment of the Senator from South Dakota, as amended.

Mr. COOPER. Before I ask unanimous consent, perhaps the Senator from South Dakota would like to know what I am going to offer, so I will state my proposed amendment. If he will look as his amendment, on page 3, line 20, my amendment would place a period after the word "meals," and then strike the words "without cost. The determination of such income shall be made solely by execution of an affidavit by the member of such household."

I ask unanimous consent to offer the amendment to the amendment of the Senator from South Dakota.

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

Mr. COOPER. The explanation of my amendment is as follows: By striking the two words on line 20 at the end of the sentence, "without cost," it would leave to the discretion of the school authorities to determine if recipients were able to pay a part of the cost. In my State, some pay 5 cents for their breakfasts, some pay more. Some pay nothing. The first purpose is leave to the discretion of the school authorities to determine whether a child or his parents can pay any part of the cost of the breakfast.

Then, as to striking the words "The determination of such income shall be made solely by execution of an affidavit by the member of such household." I think the purpose is apparent—to do away with the necessity for these people to make an affidavit. The determinations are always made by the school authorities, anyway.

The PRESIDING OFFICER. Would the Senator from Kentucky send his amendment to the desk, in order that the clerk might read it?

Mr. COOPER. I will have to write it out.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. How much time remains on the McGovern amendment?

The PRESIDING OFFICER. Thirty-nine minutes—18 minutes to the Senator from South Dakota and 21 minutes to the manager of the bill, the Senator from Georgia.

Mr. WILLIAMS of Delaware. If they have completed debating it, I would suggest that they yield back their time, and then we can consider these amendments in an orderly procedure. Why not yield back the time on the McGovern amendment? Then we can conclude this matter.

Mr. MANSFIELD. I am prepared to yield back the time I have on the Cooper amendment to the amendment.

Mr. WILLIAMS of Delaware. I mean on the McGovern amendment.

Mr. McGOVERN. I could not agree to that.

Mr. WILLIAMS of Delaware. I would object to any unanimous-consent agreement, then.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair would first say to the Senator from Delaware that his objection is not timely as to the amendment of the Senator from Kentucky.

Mr. WILLIAMS of Delaware. It is as to limiting the time, though; is it not?

The PRESIDING OFFICER. No. The Chair would state to the Senator from Delaware that, pursuant to the existing unanimous-consent agreement, when an amendment is offered to an amendment, it has to have unanimous consent to be offered; but, if offered, the time is set by the existing unanimous-consent agreement, which is 1 hour, to be divided between the majority leader and the proponent of the amendment. The time for objection would have been at the time the Chair asked for it, when the Senator from Kentucky offered his amendment.

Approximately 28 minutes now remain to the Senator from Kentucky and 30 minutes to the majority leader, on the amendment to the McGovern amendment.

Mr. MANSFIELD. Mr. President, could we have the amendment of the Senator from Kentucky to the amendment read?

The PRESIDING OFFICER. The Chair is trying to arrange that.

The assistant legislative clerk read as follows:

In the amendment No. 511, to S. 2548, by Mr. McGOVERN, for himself and other Senators, on page 3, line 20, after the word "meals", insert a period and strike out "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household."

Mr. COOPER. Mr. President, on line 20 I would place a period after the word "meals." I would strike the words "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household." I strike all that language, including the two words in line 20, "without cost." By striking the words "without cost," it is left to the authorities to determine whether schoolchildren are able to pay any part of the cost of breakfast. The remainder of the language stricken would remove the condition of making an affidavit.

In practice, the school authorities now determine by various criteria whether or not schoolchildren shall be relieved of any part of the cost of either school breakfast or school lunch.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the Senator from South Dakota.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Who yields time on the McGovern amendment, as amended?

Mr. HOLLAND. Mr. President, will the Senator yield me 3 minutes?

Mr. TALMADGE. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly object to the adoption of the McGovern amendment, although I completely recognize the good intentions of the Senator from Washington and the Senator from Kentucky.

I invite attention to the fact that they are about to set up a second breakfast program. We have not knocked out the breakfast program that is already on the books, and the breakfast program as included in this bill, where it has no place at all—and on which no hearings have been held—will be a second breakfast program, different in various particulars from the one that is on the books.

If confusion can be worse confounded, I do not see how that could be done. So far as I am concerned, I completely agree with the Senator from Louisiana that is unsound practice and confusing practice to consider here, at this time, a breakfast program which has not been heard by the committee, which does not take advantage of the experience we have had under the pilot program which has been in effect for 4 years, and which, if it is adopted, will be a different program and even a second program from the one that is already on the books.

I do not think that is good practice. I think it is the very essence of bad practice to write such a program, such an additional program, on the floor of the Senate.

I hope that the Senate will not approve the second breakfast program, which is what it will be if adopted, without hearings, as a part of this very carefully prepared bill.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield myself 2 minutes.

Mr. President, I agree wholeheartedly with the Senator from Florida that we have now so completely confused the language of this amendment that there is really no point in taking a vote on it. I ask unanimous consent that I be permitted to withdraw the amendment.

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I am sorry that we have come to this pass after being on the job for 6 hours today. I am hopeful that the straightening out of the matter can come within the time left, rather than starting anew and having to go through another hour and a half.

I must report to the Senate—I must reiterate—that we have at least three other amendments following this; that we have a bill dealing with the security of the White House and the embassies in this city; that we have a bill dealing with an extension and expansion of the Hill-Burton Hospital Act, which is very important; that we will have an HEW appropriation bill later this week; that we will have the very important aviation bill.

I am hopeful that we can get these matters out of the way this week; because—I must repeat—beginning next week, with the Voting Rights Act, with the Carswell nomination, and with other measures coming up, we are going to be delayed and will be considering items longer than I like. But that is the way things turn out.

So, Mr. President, if there is not further business——

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

Mr. MANSFIELD. I yield.

Mr. McGOVERN. Let me say to the Senator that I have been here all afternoon, too, trying to get a good amendment considered. I wonder if we could get an understanding from the chairman of the committee, the distinguished Senator from Louisiana, that if this amendment were withdrawn, hearings might be held at an early date on this school breakfast provision.

Mr. ELLENDER. I would be glad to do it.

Mr. McGOVERN. I do think the amendment as it now stands has really lost the purpose, which is to proivde free breakfast for poor children. We cannot do that, as I see it, under this language. I think that if we can get an understanding from the Senator from Louisiana to hold hearings on the school breakfast——

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

Mr. McGOVERN. I yield.

Mr. TALMADGE. I am sure the distinguished chairman already knows this. The breakfast program has a termination date of fiscal 1971. The entire bill must be extended at that time. The whole thing will be under review by the Committee on Agriculture and Forestry, not only for the purpose of extending but also for the purpose of improving, broadening, and modifying it. I am sure that the chairman, as is his custom, will let everyone who desires to testify have his say.

Mr. ELLENDER. As I tried to point

out earlier, we are trying to rewrite this pilot program which has been in effect for 4 years. It is my hope to take the pilot program and improve it.

If there is a request to rewrite it now instead of waiting until 1971, I shall be willing to proceed and hold hearings; but trying to write a bill on the floor of the Senate, without any further study, or taking into consideration the experience we have gathered from the pilot program which we have had on the statute books for 4 years, I think is bad legislation.

I am hopeful that the Senator will withdraw his amendment.

Mr. McGOVERN. Could the Senator give me some indication when hearings might be scheduled—just generally not a specific date?

Mr. ELLENDER. As the Senator knows, we are conducting hearings now, and have been all last week practically, and will all of this week, on the extension of the present farm program. I have been there every day. I cannot tell at this moment the exact time but, as soon as possible, we will do it. As the Senator knows, we will start appropriations pretty soon. I am on the Appropriations Committee but I can give the Senator assurance that, as soon as possible, it will receive consideration from the committee.

Mr. McGOVERN. The school breakfast program is just as important to the health of schoolchildren as the school lunch program. It may turn out to be even more important. Thus, I am hopeful that hearings can be held.

On that basis, Mr. President, I again renew my unanimous-consent request that I be permitted to withdraw the amendment, as amended.

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I just want to make certain that there will not be a modification of that amendment offered on tomorrow.

Mr. McGOVERN. So far as I have any control over the situation, there would not be. However, I cannot speak for other Senators.

Mr. MAGNUSON. Mr. President, reserving the right to object, I hope that I have not been misunderstood in what I was attempting to do. The amendment of the Senator from South Dakota, as amended—or of the Senator from Massachusetts—would provide 100 percent funding by the Federal Government with no contribution by local agencies. I do not think that is the right approach and neither did the Senator from Georgia. This amendment if adopted, and I did not know it would be, would provide an 80–20 program which would make the States bear part of the responsibility. That is what I was trying to do. I do not believe that weakens the amendment and may in fact add a measure of strength and support for its passage.

Mr. MANSFIELD. As a matter of fact, I believe it does strengthen it.

Mr. MAGNUSON. There should be some local responsibility in the program. I would like to see such a program in my area, and I would also like to see the local school board have some financial responsibility for its operation. I believe it would be a better program if so amended.

Mr. ELLENDER. Under the present program, the Federal Government furnishes the food, but the administration of it is in the hands of the local communities——

Mr. MAGNUSON. Is it not, as a practical matter, an 80–20 split?

Mr. ELLENDER. Not the entire amount. In extreme cases, then it would be 80–20, but the amendment offered by the Senator from South Dakota would make the entire program a Federal one.

Mr. MAGNUSON. I was trying to temper that aspect of the McGovern amendment. That figure may not be exactly equitable, but I am perfectly willing to see it reviewed at a future date—as suggested by the Senator from South Dakota. I suppose this will be taken up in future hearings, because this is a very good program. I just want to leave the record straight that I favor this program for needy children. The committee has got a good program here. We have got to look at it again and review it when its authorization expires. I just want the record to be clear that I support this effort. I appreciate also that the Senator from Louisiana was correct in his interpretation of the legal technicalities of the amendment.

Mr. MANSFIELD. Mr. President, may I say that what the distinguished Senator from Washington did was to strengthen the bill, as I think the distinguished Senator from Kentucky did likewise. So, what we are laying aside now, if agreed to, is a far stronger proposition than was originally introduced.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I notice that the Senator from South Dakota has just held a conference with his associates. I should like to ask him, does this pledge that the amendment will not be reoffered tomorrow; does this meet with the agreement he just held with his associates with whom he has just conferred?

Mr. McGOVERN. Let me say to the Senator from Delaware, before I reply to that, that the amendment as originally proposed carried the names of several other Members of the Senate.

As the Senator knows, we did not anticipate the amendment offered by the Senator from Kentucky. It has been difficult merely to know what impact it would have. It seemed to me better to hold off, rather than to try to move to a decision on this tonight.

Other Senators who have spoken to me in the last few minutes indicate that they would prefer we go ahead and get a vote tonight on this amendment, as amended by the Senator from Kentucky.

The Senator knows that I have been handling this myself, in the absence of the Senator from Massachusetts. It has been difficult for me to know what judgment the other cosponsors wish; but, perhaps, under the circumstances, the best thing to do is go ahead and vote on the one amendment as modified by the Senator from Kentucky.

The PRESIDING OFFICER. Has the Senator from South Dakota withdrawn his unanimous consent request?

Mr. McGOVERN. Yes, sir, Mr. President. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, let me make this brief comment, and then I shall be ready to vote.

The amendment of the Senator from Washington and the Senator from Kentucky has greatly improved what I think was a most untenable amendment. The amendment of the Senator from South Dakota would still restrict the program to needy children. No other children that were not needy would buy or could buy the breakfast at the schoolhouse. It would be restricted purely to needy children.

It would provide for using a different formula for the apportioning of the breakfast program. In addition, it would make that child, a member of a family which is eligible to participate in the food stamp or commodity program, a family which has an annual income equivalent to or less than $4,000 for a household of four, eligible for a breakfast.

Mr. President, I think that is going too far, to try to write a bill on the floor of the Senate and set up national uniform standards here, that any child from any family, anywhere in the United States of America, is entitled to go to the schoolhouse and buy a breakfast.

There are many families in this country who reside in rural areas and have gardens and can raise vegetables. They have cattle, chickens, and they have an adequate diet. They are considered in their community to be affluent if they have income of $4,000 or less.

On the other hand, we could have a family that lived in Hartford, Conn., Philadelphia, Pa., or New York, N.Y., or Chicago, Ill., where food, wages, and taxes are very high, where $6,000 a year income would be very low.

I object to trying to set up standards on that basis. I object to trying to write a breakfast program here on the floor of the Senate, when the Committee on Agriculture and Forestry, which has jurisdiction, has not even seen or heard of the amendment before.

I therefore hope that the Senate will postpone consideration of the amendment, by killing it, and giving the committee time, in due course, as the chairman of the committee has already promised the distinguished Senator from South Dakota (Mr. McGOVERN), to hold hearings on it, when we can take a look at the situation and find out what the facts are, to the end of trying to improve a program which was begun 4 years ago, and which all of us think is a very desirable program.

Mr. AIKEN. Mr. President, if the amendment offered by the Senator from South Dakota is voted on and defeated now, do I correctly understand that the committee will still consider the identical provisions at the end of the farm program hearings?

Mr. ELLENDER. Oh, yes. I have already pledged that to the Senator.

Mr. AIKEN. It would seem to me, in the interest of saving time, that we should have a vote on the amendment right now.

Mr. TALMADGE. I agree fully.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back on the amendment.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), 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 the Senator from Idaho (Mr. CHURCH) and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Alabama would vote "nay."

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Georgia (Mr. RUSSELL). If present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Montana (Mr. METCALF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. PACKWOOD) are detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 37, nays 33, as follows:

[No. 54 Leg.]

YEAS—37

Brooke	Hatfield	Muskie
Burdick	Hollings	Nelson
Byrd, W. Va.	Hughes	Pastore
Cannon	Inouye	Pell
Case	Jackson	Percy
Cook	Magnuson	Prouty
Cooper	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Fong	McCarthy	Spong
Goodell	McGovern	Stevens
Gravel	Mondale	Symington
Harris	Montoya	
Hart	Moss	

NAYS—33

Aiken	Eastland	McClellan
Allott	Ellender	Murphy
Anderson	Ervin	Proxmire
Bellmon	Fannin	Randolph
Bennett	Gore	Scott
Bible	Gurney	Smith, Maine
Boggs	Hansen	Stennis
Byrd, Va.	Holland	Talmadge
Curtis	Hruska	Thurmond
Dole	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.

NOT VOTING—30

Allen	Hartke	Pearson
Baker	Javits	Russell
Bayh	Kennedy	Saxbe
Church	Long	Smith, Ill.
Cotton	McGee	Sparkman
Cranston	McIntyre	Tower
Dodd	Metcalf	Tydings
Fulbright	Miller	Williams, N.J.
Goldwater	Mundt	Yarborough
Griffin	Packwood	Young, Ohio

So Mr. MCGOVERN's amendment, as amended, was agreed to.

Mr. MCGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 514

Mr. STEVENS. Mr. President, I call up my amendment No. 514.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD. I do so because I wish to announce to the Senate there will be no further votes tonight.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT 514

On page 22, lines 13 and 14, strike out "a new sentence as follows" and inserting in lieu thereof "the following".

On page 22, line 20, immediately after the period, insert the following: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly.

On page 22, between lines 20 and 21, insert a new subsection as follows:

"(e) Section 4(e) of the Child Nutrition Act of 1966 (42 USC 1771) is amended by adding at the end thereof a new sentence as follows: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining eligibility of a child of such household to receive free or reduced price meals, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each State shall be increased accordingly."

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Virginia on the bill.

Mr. SPONG. Mr. President, I am pleased to support the National School Lunch Act Amendments of 1969.

For more than 20 years, the Federal Government has been involved in school nutrition programs. Thousands upon thousands of our schoolchildren are indebted to Senator RICHARD S. RUSSELL and Senator ALLEN ELLENDER for their foresight in securing passage of the school lunch program in 1946.

In the 20 years since enactment of the legislation many changes have taken place in our lives and in areas related to the lunch program. The number of hot meals served to schoolchildren has increased dramatically. Kitchens and cafeterias have become a fixture in new school facilities. Mass purchasing and preparation of foods have become the rule rather than the exception in many areas.

Yet, other changes—changes which have not served to benefit the lunch program—have also taken place. Food costs have risen continuously. Operational expenses have forced school lunch programs to increase lunch prices. To meet rising expenses some school districts have curtailed the quality and quantity of meals served.

At the same time, medical evidence indicating a relationship between proper nutrition and normal growth and development has accumulated. And, statistics have been gathered to demonstrate the failure of many low-income pupils to receive lunches.

Of the more than 50 million schoolchildren in the Nation, less than 20 million participate in the school lunch program. Of the more than 1 million Virginia schoolchildren, slightly more than 57 percent participate.

On a national and State basis, there are many needy pupils who do not or cannot participate.

Of the 6 million school-age children in our Nation from families earning less than $2,000 a year and/or receiving aid to families with dependent children, fewer than 2 million participate in the school lunch program. Of the 186,000 Virginia school-age children from families earning less than $2,000 a year and/or receiving aid to families with dependent children, only about 45 percent participate.

The bill under consideration would help local school systems serve better meals and serve meals to more children. The bill is a logical step forward.

Our children are our Nation's greatest asset. They are tomorrow's leaders and producers. The future of our Nation depends upon them—their education, their

development, and the opportunities they are afforded today.

The properly nourished child presents a marked contrast to the malnourished child. He is more active, more alert, more interested in his environment. According to school officials, he is often less of a discipline problem and is a better student. These are compelling reasons to support the school lunch program.

I am pleased with the participation which Virginia pupils have registered in the past. Less than one-fifth of the States have recorded higher participation rates. But, much remains to be done in the State and much remains to be done in the Nation.

While the committee has been considering school lunch legislation, I have been polling Virginia school districts to determine what their needs in the school lunch program are and how these needs can be met. Over 70 percent of the school districts in Virginia replied. I believe it is significant that many of the needs mentioned will be met by the pending bill. The greatest need, according to the poll, is more financial support, followed by the need for more trained workers and supervisors in the program. The pending bill will assist in these areas.

It will also help meet the following problems which were mentioned in the poll: It will provide additional assistance for the purchase of equipment; it will permit advance funding of the program and it will help the needy child no matter what school he may attend.

The poll also suggested several problems which could be overcome through administrative action, including the elimination of redtape, the provision of more meat and protein and the development of better delivery procedures for commodities. I have written to Secretary of Agriculture Hardin about these matters, since the Department of Agriculture administers the program.

The school lunch program is an important part of our educational endeavors. It can be a more important one.

I believe the pending bill will greatly assist us in doing what remains to be done. I commend the able Senator from Georgia (Mr. TALMADGE), for introducing the bill. I thank him for permitting me to cosponsor it. I was presiding on Friday when the able Senator from Georgia presented the bill to the Senate. His explanation was both lucid and effective. I recommend it to all who are interested in the problems and potentialities of the school lunch program.

I ask unanimous consent to insert into the RECORD charts indicating participation in the program by locality in Virginia and the funds committed to the program in Virginia in 1969.

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

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS—FISCAL 1969

Programs	Number of schools with programs	Average number of pupils served daily: Free or partially paid	Paid	Total	Total meals served	Federal reimbursement	Local operating cost
Breakfast	54	4,965	3,894	8,859	885,910	$129,370.10	
Lunch	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	
Milk	1,801			[1] 49,424,367	[1] 149,807,867	1,811,560.55	
Nonfood (equipment)	264					549,970.85	
Total reimbursement						8,415,248.64	$47,077,639.26

[1] ½ pints milk.

Source: State Department of Education, Commonwealth of Virginia school lunch division.

The chart below reveals the rank in percent of participation in the counties, cities, and towns of the State.

[Percent of participation]

County division:	
Floyd	90.9
Highland	88.1
Rockingham	85.8
Augusta	84.9
Carroll	84.8
Smyth	82.2
Frederick	79.8
Westmoreland	79.7
Grayson	79.4
Wythe	78.5
Cumberland	77.9
Pulaski	77.7
Dickenson	76.3
Scott	76.3
Washington	76.3
Henry	75.6
Shenandoah	74.9
Bland	74.8
Lee	74.7
Buckingham	74.3
Wise	74.2
Charlotte	73.7
Caroline	72.8
Page	72.3
Rockbridge	72.1
Clarke	72.0
Montgomery	72.0
Northumberland	71.8
Fluvanna	71.6
Patrick	71.6
Franklin	71.5
Rappahannock	71.5
Nottoway	71.3
York	70.9
Halifax	70.7
Greene	70.6
New Kent	70.3
Amelia	69.2
Appomattox	69.0
Giles	68.9
Russell	68.8
Richmond	68.2
Pittsylvania	67.3
Louisa	66.8
King and Queen	66.7
Essex	66.0
Spotsylvania	65.9
Tazewell	65.8
Bath	65.0
Orange	65.0
Buchanan	64.8
Craig	64.7
Alleghany	64.4
Accomak	64.0
Lancaster	63.9
Prince Edward	63.2
Middlesex	62.5
Sussex	62.5
Madison	62.1
Mecklenburg	61.9
Hanover	60.6
Albemarle	60.0
Botetourt	59.7
Greensville	59.7
Dinwiddie	59.4
Brunswick	58.8
Campbell	58.0
Gloucester	58.6
Loudoun	58.5
Warren	58.1
Mathews	[1] 57.0
Bedford	56.9
Chesterfield	56.6
Goochland	56.3
Fauquier	55.8
Southampton	55.5
Stafford	55.5
Nansemond	55.4
Prince William	55.3
Surry	55.1
Nelson	54.3
Fairfax	53.4
Lunenburg	53.2
Culpeper	51.7
Northampton	51.5
Roanoke	51.5
Amherst	50.9
King William	50.3
Powhatan	50.2
Henrico	48.4
Prince George	48.3
Isle of Wight	45.8
Charles City	45.5
Arlington	43.0
King George	40.0
Cities Division:	
Staunton	79.8
Radford	76.6
Suffolk	74.0
Danville	72.6
Norton	72.6
South Boston	70.6
Harrisonburg	71.5
Galax	70.1
Waynesboro	68.2
Martinsville	67.3
Newport News	66.1
Bristol	62.4
Lexington	61.5
Richmond	60.6
Williamsburg-James City	58.4
Hampton	58.0
Covington	57.6
Clifton Forge	54.0
Charlottesville	53.0
Hopewell	51.7
Petersburg	49.9
Fredericksburg	49.2
Virginia Beach	48.1
Portsmouth	47.9
Alexandria	47.5
Roanoke	47.5
Norfolk	46.4
Lnchburg	45.4
Franklin	44.0
Colonial Heights	43.7
Falls Church	42.1
Chesapeake	42.0
Buena Vista	39.2
Winchester	13.1
Towns:	
West Point	71.5
Colonial Beach	44.1

[1] State average daily participation.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Friday, February 20, 1970, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 24, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

ANTI-AMERICAN YOUTH ORGANIZATIONS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, February 23, 1970

Mr. FANNIN. Mr. President, it has come to my attention, through requests to my office for information, that certain so-called youth organizations in the United States, while prominent in the news, have so little information published about them or about their genesis.

I am indebted to members of the American Research Foundation for supplying me with carefully researched concise information about several of these groups which I believe should be more widely disseminated.

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

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

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth and training section of the Socialist Workers Party (SWP), a militant revolutionary communist party based upon the theories of Marx, Engels and Lenin as interpreted by Leon Trotsky. Numerically, the SWP is the largest Trotskyist-Communist organization operating in the United States. Like the SWP, YSA opposes Soviet and Red Chinese "bureaucracy"; however, it fully endorses their economic systems. It also lends wholehearted support to the Cuban revolution as well as other revolutions of Communist origin. Founded in 1960, YSA openly claims that it is a "nationwide communist revolutionary youth organization" composed of both students and young working people. It has a current membership of over a thousand and maintains 40 local chapters. YSA's national office is located in New York City, where it publishes a monthly journal, the "Young Socialist." YSA views the war in Vietnam from a broad international perspective. It advocates the formation of an international united front under the banner of Che Guevara's revolutionary call for the creation of "two, three, many Vietnams." YSA has publicly repudiated outright terrorist actions by certain small groups in the United States but has fully supported the concept of "self defense." While praising the Black Panther Party, YSA condemns the Students for a Democratic Society (SDS), particularly its Weatherman faction. According to YSA's own pronouncements, it advocates "the concept of turning the campus into an organizing center for the anti-war, black power, and revolutionary socialist movements." Certain YSA members have been instrumental in fomenting disruptions on various college campuses. Following the pattern of the SWP, YSA maintains fraternal relations with certain international Communist elements. Prominent members of YSA have made recent visits to Communist Cuba. During the past several years, YSA has been exceedingly active in both anti-war and anti-draft activities. Both YSA and SWP members completely control the Student Mobilization Committee to End the War in Vietnam, an organization which has fully supported the projects of the New Mobilization Committee to End the War in Vietnam (MOBE). YSA is well represented on MOBE's Steering Committee which is composed of a high concentration of Communists and pro-Communists. A considerable portion of YSA anti-war activities is devoted to undermining the morale of the United States Armed Forces through subversion and propaganda. At its most recent national convention held in Minneapolis, Minnesota, December 27–30, 1969, YSA discussed plans to take over the leadership of the left-wing student movement and to fill the vacuum created as a result of the recent decline of SDS and the splintering of that group into various factions.

STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

The Student Mobilization Committee to End the War in Vietnam (SMC) is a national organization composed of college and high school students united in an "uncompromising struggle" against U.S. military involvement in Vietnam. The SMC was founded as an outgrowth of a conference held in Chicago, December 28–30, 1966, under the sponsorship of the Communist Party, U.S.A. (CPUSA) and the Trotskyist-Communist group, Socialist Workers Party (SWP). The purpose of this conference was to consider a proposal of Bettina Aptheker to call a nationwide student strike as a protest against the war in Vietnam. Bettina Aptheker, whose proposal failed to receive the support of the majority solely because the delegates felt that such a project was incapable of being successfully organized, was subsequently elected to the National Committee of the CPUSA. The CPUSA and SWP controlling factions within the SMC were in a state of almost constant disagreement from the beginning. This dissension reached a climax in June 1968 when the CPUSA withdrew from the organization, thereby leaving the SWP in complete control over the SMC. The SMC has sponsored several national anti-war demonstrations and has cooperated in various protest actions of the New Mobilization Committee to End the War in Vietnam and its predecessors. It has also actively promoted agitational activities among members of the U.S. Armed Forces through demonstrations and other forms of protest. The national office of SMC is currently located at 1029 Vermont Avenue, N.W., Washington, D.C. Significantly, every prominent officer of the SMC on both the local and national levels is a member of the SWP and its youth section, Young Socialist Alliance.

BLACK PANTHER PARTY

The Black Panther Party (BPP) is a Negro extremist group which seeks a violent social revolution in the United States. Its members receive instruction in guerrilla warfare tactics, including the preparation and use of Molotov cocktails. Founded in Oakland, California in 1966, the BPP has a current membership of about 1,200 and maintains chapters in 30 cities, including New York, Philadelphia, Chicago, Los Angeles, San Francisco and Oakland. The BPP initially gained nationwide attention when its members began openly to carry firearms on Oakland streets during what they called "defense patrols" to prevent alleged police brutality in black neighborhoods. A group of Black Panthers, armed with a variety of pistols, rifles and shotguns invaded the California State Assembly while it was in session on May 2, 1967, to protest pending firearm legislation. Members of the BPP are armed with an assortment of weapons and many have criminal records. For example, while stopped by law enforcement officers for a traffic violation in October 1967, Minister of Defense Huey P. Newton killed one policeman and wounded another. Leroy Eldridge Cleaver, who as BPP Minister of Information brought considerable growth to the organization, became a Federal fugitive as a result of criminal charges involving violation of parole and participation in a gun battle with Oakland, California police. David Hilliard, BPP Chief of Staff, was recently arrested for threatening the life of the President of the United States. Approximately 350 members of the Party were arrested on criminal charges in 1969 alone. Violence against law enforcement officers, whom the Panthers term "pigs" and consider prime targets for destruction, has been a notorious part of BPP activities. Gun battles between police and the BPP have occurred in Oakland, Los Angeles, Chicago, and other cities. Some clashes with police have actually involved BPP-instigated sniping and ambushes. Police raids on the BPP in various cities have resulted in confiscation of large caches of guns and ammunition. The BPP ideology is based partly on the writings of Communist China's Mao Tse-tung and emphasizes the slogan "Serve the people." To win support among poor blacks, as well as middle-class liberals, the Panthers have organized "Free Breakfast for Children" programs in poor areas in many cities. These programs are supported in part by the BPP intimidation of local merchants to contribute food and supplies. Another source of funds for the Party is the sale of its weekly tabloid newspaper "The Black Panther," a publication devoted to disseminating BPP's doctrine of revolution and hate. The BPP seeks revolutionary allies among certain minority groups and white radicals. It is noteworthy that the BPP has recently received considerable support from the Communist Party, U.S.A. Certain officials of the BBP have traveled abroad to various countries including Communist ones, for the purpose of developing international contacts and gaining support. In view of its violent and revolutionary nature, FBI Director J. Edgar Hoover has declared that the BPP "represents the greatest threat to the internal security of the country."

YOUTH ORGANIZATIONS OF THE COMMUNIST PARTY, U.S.A.

The W. E. B. DuBois Clubs of America (DCA) served as the youth group of the Communist Party, U.S.A. (CPUSA) for nearly the last six years. Named in honor of a deceased member of the CPUSA, the DCA is the lineal descendant of a number of Party youth organizations including the Young Communist League, American Youth for Democracy, Labor Youth League, and the Progressive Youth Organizing Committee. Since its founding convention held in San Francisco, California, June 19–21, 1964, the DCA has been substantially directed and controlled by the CPUSA and was operated for the sole purpose of rendering support to the Party itself. At various times, DCA has maintained a national office in San Francisco, Chicago and New York, its final location. A