United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Tuesday, March 3, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

In the words of the poet William M. Vories—1908:

"Let there be light, Lord God of Hosts,
Let there be wisdom on the earth.
Let broad humanity have birth.
Let there be deeds, instead of boasts.

"Within our passioned hearts instill
The calm that endeth strain and strife;
Make us Thy ministers of life;
Purge us from lusts that curse and kill.

"Give us the peace of vision clear
To see our brothers' good our own,
To joy and suffer not alone—
The love that casteth out all fear.

"Let woe and waste of warfare cease,
That useful labor yet may build
Its homes with love and laughter filled.
God, give Thy wayward children peace."

Amen.

THE JOURNAL

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

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order heretofore entered, the Senator from Arkansas (Mr. MCCLELLAN) is now recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without having any of the time taken away from his time?

Mr. MCCLELLAN. I yield.

ORDER FOR RECOGNITION OF SENATOR MCGOVERN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the distinguished Senator from Missouri (Mr. EAGLETON) today, the distinguished Senator from South Dakota (Mr. MCGOVERN) be allowed to proceed for not to exceed 20 minutes.

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

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from South Dakota there be a morning hour with a time limitation of 3 minutes on statements.

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

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR AIKEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the approval of the Journal tomorrow, the distinguished Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 30 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

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

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

The Senator from Arkansas is recognized for 30 minutes.

ESTABLISHMENT OF A COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. MCCLELLAN. Mr. President, a decade, measured by the dimensions of history, is but a moment. But the deeds of men during that brief timespace may well have a dominant effect on civilization. The dark depression days of the 1930's will always linger hauntingly in the minds of those charged with assaying and dealing with our economy. Man's inhumanity to man was never more starkly displayed than during the all-consuming war of the 1940's which changed the maps and thinking of the world, and gave rise to an international body whose efficacy was promptly challenged before we were settled into the 1950's. The exciting, adventurous exploration of space during the 1960's opened new vistas for mankind, and the whole world paused to marvel and wonder at the significance of this latest manifestation of man's advanced technological achievements.

Regardless of how we may characterize these eras, however, there is a disturbing thread—a hallmark—that runs through each of them. In each instance it seems that America was reacting—not acting—we were seeking to cope with a threat, a problem, rather than trying to prevent it. Even the national resolve to conquer space was undertaken only as a reaction to sputnik.

This costly hallmark of the past—living from crisis to crisis—too often made us the pawns rather than the masters of our destiny. Today, as we stand on the threshold of the seventies, it is a time for reviewing, reassessing, and rededicating our efforts toward the achievement of a grander destiny—a destiny that focuses on man and his environment.

America did not simply move from its rural agrarian state to today's highly industrialized, technologically oriented society, it plunged pellmell into a race to achieve an ever-increasing rate of productivity at the lowest possible dollar cost with little, if any regard for interrelated values. In pursuit of this objective we have achieved much—an affluence unmatched anywhere in the world—a standard of living unparalleled in the history of mankind—boundless educational and vocational opportunities, and a degree of comfort, mobility, and luxury never before enjoyed.

Measured by these standards America may well be the envy of the rest of the world. But somehow, somewhere along the way, the individual American seems to have been lost in the shuffle.

Early Americans, through great individual effort crisscrossed the Nation to conquer and claim their dominion, and when they had fanned out to its farthest reaches, they began regrouping and collecting at the crossroads to form the centers of today's population. Millions answered the beckoning call of the cities, and the migration continued until to-

day 70 percent of the population lives on 1 percent of the land.

The path leading to this heavy concentration of a technological, oriented people has been strewn with litter and beclouded by pollution. So much so that many of today's scientists are prophesying doom lest we launch an immediate and massive campaign to clear our air, clean our streams, and intelligently handle the gigantic waste created by our industrialized system.

Thus far we have only nibbled at the periphery of the problem, but a series of recent efforts have been made at the Federal level:

First. In 1964 Congress passed the Water Resources Research Act which authorized Federal assistance in the establishment of State water resources research centers.

Second. In 1965 the Water Resources Planning Act was adopted, which set up the Water Resources Council to help establish river basin commissions.

Third. A solid waste disposal program was enacted in 1965, along with a Water Quality Act and in 1966, the Clean Water Restoration Act was passed, establishing a national policy of improved water quality, and requiring the development of State water quality standards, and authorizing a multibillion-dollar grant program for municipal sewage treatment plant construction.

Fourth. The Clean Air Act of 1965, and the Air Quality Act of 1967 required the establishment of State air quality standards and Federal automobile emission standards.

Fifth. The Highway Beautification Act of 1965, and the Highway Act of 1968, controlling junk yards, required that social and environmental factors be considered in public hearings on locations and designs in Federal-aid highway projects.

Sixth. And just recently, the National Environmental Policy Act of 1969, declaring as a national policy, the use of all practicable means to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans.

This last act, representing the most comprehensive legislation to date dealing with the problems of America's future environment, was signed into law on the first day of this decade of the 1970's.

It was particularly appropriate that the President made the signing of this legislation his first official act of the 1970's. Taking note of that fact the President added:

> I have become convinced that the 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never.

The leadership of the Congress likewise announced its concern over the quality of life in America today and, on the first day of this session of Congress, a constitutional amendment was introduced to recognize and protect the right of every person to a decent environment.

Mr. President, I share the concern over the deteriorating quality of our air and our water and agree that we must protect and preserve these life-sustaining necessities.

Certainly when our cities, those shining citadels of yesteryear, are shrouded in suffocating smog, when lifegiving streams are choked with raw sewerage, chemicals, debris, and dead animals, and the truck gardens that used to surround our towns, are today's garbage dumps, it is time to act—to save us from ourselves. It is a time to inventory our resources, to establish values, to reorder our priorities, and to restructure our institutions to meet the task. It somehow seems incongruous to reach for the stars and ignore the deteriorating life-supporting systems of our own planet.

If we do not act to control the pollution and waste now generated by 200 million people, we could well be literally inundated by garbage by the end of the century when the population reaches 300 million. America has only 30 years to deal with its third 100 million people—it had 300 years for the first 100 million. New housing, hospitals, industries, schools—whole new towns—will be needed to accommodate this monumental addition to our present population. It is obvious that today's metropolitan areas—already bursting at the seams—cannot accommodate even a fraction of this multitude, nor can we ever hope to rid the skies of pervasive pollution by allowing further concentration of people and industries into already congested areas.

The expression of concern at the highest levels of government augur well for the future. But they alone are not enough, Mr. President. It is not enough simply to launch shotgun campaigns to edify our people, beautify our country, and purify the air we breathe and the water we drink.

If we are ever to recapture America the beautiful and bestow upon present and future generations the proposed "right to a decent environment," we must do more than simply amend the Constitution. We must plan and act now in a concerted effort to avoid further congestion of our metropolitan areas, to decentralize industry, and to seek a more logical, orderly national growth pattern.

In April 1968, when the Permanent Subcommittee on Investigations was deeply involved in studying the patterns of violence and riots in our cities, I was asked to suggest an answer to those critical problems. My reply is as applicable today as then:

> The best answer—particularly as a long-range solution—is to adopt measures and policies that will discourage further migration from the rural areas into the cities.
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> The government, in my judgment, should encourage and assist industry to decentralize, and as it expands to build its plants in the open spaces, in the rural communities. There should be a housing program and other programs designed to get people out of the city slums—those who are willing to work. And I'd associate with this, a training program to prepare unskilled slum people for jobs.
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> This would give these people a better life, open up to them some of the opportunities they claim to want. It would also stop congesting the cities, help relieve the transportation and pollution problems.

In this connection it should be noted that the Committee on Government Operations reported and the Senate passed, in 1968 and again last year, legislation to create a commission to study and recommend programs to alleviate the critical problems related to the disproportionate population concentration, and promote a more balanced economic growth pattern for the Nation. Such a commission would make an in-depth review of the maldistribution of population and industry and suggest methods for developing rural areas and for reshaping growth trends. The study envisioned by such a commission has never been undertaken. Legislation to establish a similar commission, proposed by the administration and charged with studying the problems of population growth and the American future, was likewise reported by the committee and passed by the Senate during the first session of the 91st Congress. This bill, S. 2701, was passed by the House February 18, with minor amendment, and at the conclusion of my remarks I shall ask for its immediate consideration.

Both bills resulted from a recognition of the fact that the intense concentration of population in a relatively few areas of the Nation, caused by heavy development of industries in limited sections of the country has created critical problems of transportation, pollution, crime, housing shortages, water shortages, and an acute lack of recreational facilities. On the other hand, many rural areas are not participating in the industrial expansion and the general economic advancements experienced by the Nation as a whole. Some of these are losing population and are not keeping pace with our overall national growth. Mr. President, obvious ways to encourage industry to provide jobs in rural areas would be through various tax incentives and more soundly devised land use policies; many others will undoubtedly be suggested as we focus further on the problem.

Certainly we in Arkansas are constantly seeking new industries for our State and our people, however, in this endeavor we have stressed the desire for "clean" industries. In this connection, I recently advised a group of businessmen seeking a site for an industry, notorious for its polluting waste products, that we were always looking for activities that would create new jobs and protect our environment, especially our streams and air. What we want are industries interested in working with our State's pollution control commission, which reported $10,000,000 in construction expenditures for water pollution control equipment during the 1969 fiscal year, and we expect this figure to increase in coming years as progress is made toward achieving Arkansas' water and air quality goals. The commission is the first to recognize that the goals will be obtainable only with continued assistance and cooperation of the government, industry,

and the general public. We have made progress, and still more can be obtained by the addition of those industries which reflect a consciousness and a responsibility in working to protect the bountifulness of our great State.

Water is one of the basic catalysts for developing new towns—and apparently hundreds of new towns will be needed to accommodate the fantastic increase in population expected by the end of this century. In recognition of clean water as the central objective of environmental management, I introduced, with my colleague, Senator J. W. FULBRIGHT, Senate Joint Resolution 172, designating the first full week in May of each year as "Clean Water for America Week." I am pleased that the Senate promptly passed this resolution—on February 17, 1970—as a means of dramatizing the very real accomplishments of the past, the importance of water resource planning for the future, and the urgency with which we must attack some present-day pollution problems.

Fortunately, the abundance of quality water is one of Arkansas' greatest assets and one of ever-increasing value. Obviously, however, the water of our State—or any State—will not retain its high quality unless a national cooperative effort is undertaken to clean up all of America's waterways. The same is true of air pollution—it, too, knows no boundaries—State, National, or international.

The administration's commitment to improve the quality of our environment, as manifested in the President's 37-point message of February 10, is commendable. But, while we are working on specific programs to improve our environment, I urge the administration to launch an immediate campaign aimed at reducing the congestion of our cities—the prime centers of pollution—and reversing the massive influx into the overly concentrated metropolitan areas. We should seek to halt the sprawling, haphazard, and ofttimes unmanageable growth of urban areas and give them—and especially our decaying inner cities—time to restructure and clean up; while at the same time seeking to develop the potential of our rural areas. The adoption and implementation of a national policy to achieve these objectives would:

First, ease the proliferating population growth in the main centers of pollution;

Second, relieve the major metropolitan areas of their growing pains and pressures; and

Third, afford an opportunity for prudent, orderly, growth in rural areas for present and future generations.

Such a policy is, of course, much easier enunciated than implemented, especially in a democratic society of 200 million free citizens. The individual vocational choices of our citizens are not always so clearly "free," however, since most are drawn, often as not, to a particular location by the simple expediency and necessity of getting and keeping a job.

Those jobs, as well as educational opportunities, cultural activities, and higher standards of living are generally found only in the large metropolitan areas. Little wonder, then, that so many of our citizens have made and are making the not so free choice of migrating and staying in urban areas.

But I suggest that this need not be, Mr. President; I suggest that alternatives can be devised so that real meaning is given to the nature of our citizens' choices.

As we stand on the threshold of the seventies, let us look beyond this decade and the next; let us adopt as a national policy a coordinated program to prepare for the future development and settlement of America. In so doing, let us resolve to exhalt our resources, not exploit them. Let us use them in a manner calculated to benefit the greatest number of individual Americans—not the privileged few. We know that a population crisis is coming. Let us prepare for it, in a rationalized, orderly way that will accommodate our people in a setting that will enhance their lives as individuals, not as numberless, faceless members of a collective group in metropolitan conglomerates.

Three approaches readily come to mind:

First. Use of the Federal grant-in-aid programs.

Second. Use of Federal land holdings.

Third. Use of Federal procurement contracts.

I. USE OF THE FEDERAL GRANT-IN-AID PROGRAMS

I urge this administration to call upon each Federal agency and department to review each grant in every aid program with a view of determining whether the grant will alleviate or aggravate the population and pollution problems of our metropolitan areas; or whether it can be so directed as to promote the decentralization of our industries and thus contribute to the national policy of spreading our economic bases and population in less-developed areas in the country, thereby reducing the pollution potential.

Since World War II, Federal grants-in-aid have skyrocketed. For fiscal year 1946 grants totaled $0.9 billion; they rose to $3.6 billion a decade later—fiscal year 1956—and almost quadrupled during the next decade—fiscal year 1966—to $12.6 billion, and now, just 5 years later, Federal aids have more than doubled, with an estimated $28 billion forecast for the 1971 fiscal year.

According to an analysis accompanying the current budget, approximately $19 billion of the $28 billion of total Federal aids will be spent in standard metropolitan statistical areas—SMSA's. This is an increase of about $15 billion or nearly 300 percent over the amount of aid provided to these urban areas in 1961, and almost $5 billion in the short span of only 3 years. This analysis includes programs that provide financial assistance to urban communities to help them meet their public service needs. It also includes grants made to States that subsequently benefit metropolitan areas. The major increase in Federal grants for urban areas occur in law enforcement, model cities, and public assistance.

The report notes that between 1960 and 1968, more than 75 percent of the population growth occurred in the metropolitan complexes, with the result that about two-thirds of the population lives in 233 metropolitan areas.

Clearly, then, Federal grant money follows the population today, and much of it will have to continue doing so under present programs, but we could divert and redirect some of these funds in an effort to decentralize industry and promote population growth in rural areas of the country.

The opportunities for redistributing and channeling growth through the use of grants-in-aid are practically unlimited.

Grants-in-aid have long been used by the Government as a device for furthering national policies and goals. Indeed, the beginnings of this type of aid can be traced back beyond the Constitution to the ordinance of 1785, by which the Congress of the confederation dedicated a section of every township in the Federal domain for the maintenance of public schools.

These grants have mushroomed to the point that today we have at least 581 domestic assistance programs and activities being administered by 47 Federal departments and agencies. Another compilation lists 1,315 operating Federal assistance programs.

Many of these programs are designed for wide application in all areas of the country; others are peculiar to particular sections. For example, the postwar housing programs that spawned much of today's suburbia, slum clearance, urban mass transportation and renewal, model cities, and so forth, and other similar programs were designed to aid the cities. Given the agrarian nature of the early history of America, it is natural that many other Federal aid programs were drawn to assist the rural areas, with such agricultural-oriented legislation as crop subsidies, soil conservation, reclamation, irrigation, and so forth. Again, some of these programs have mixed application—some directed to a particular area or activity; others slanted to a given area, such as the public facility loan program, emphasizing aid to small places with populations under 10,000. Another, grants for comprehensive planning purposes—"701" program—relates directly to the problem we face today. The "701" program provides financial assistance to help State and local governments to solve planning problems, including those resulting from the increasing concentration of people in metropolitan and other urban areas and the outmigration from and lack of coordinated development of resources and services in rural areas.

The Small Business Investment Act of 1958, designed to promote development and expansion of small business with the objective of providing maximum employment and buying power as well as improving the national economy likewise has a financing program scaled to benefit the smaller, rural areas.

Perhaps the program that has the most potential for far-reaching and effective results in developing our rural areas is the Public Works and Economic Devel-

opment Act of 1965. Its objective is simply to try to create new jobs in areas with abnormally high unemployment or extremely low income to finance public works and development facilities which are necessary to encourage and support commercial and industrial enterprises that will create new opportunities for permanent jobs and economic growth.

Under this program local economic development districts are organized and required to submit an overall economic development program—OEDP—before it can be designated as a redevelopment area eligible for EDA grants and loans.

The OEDP must set forth the area's problems and potentials, goals and priorities, and finally an appropriate program of projects. These OEDP's must be updated annually, thus the communities involved must review their progress and revise their programs.

All districts must contain at least one growth center. These centers are typically medium-size cities whose expansion can reasonably be expected to alleviate the distress of the several redevelopment areas encompassed in the district. By linking lagging areas with adjacent communities, the growth center provides new opportunities for jobs and service close to home. Under the concept, many of the unemployed and underemployed rural populace will choose to commute or move to nearby growth centers rather than to move to distant big cities.

An excerpt from the foreword of the 1968 progress report of the Economic Development Administration describes the potentials of this device for orderly growth, as follows:

> In recent past, our attention has been focused on the vast migration of the rural unemployed to our larger urban centers. We now understand that this movement to the city has not provided the answer to the lack of opportunity for the rural poor. The disproportion in our cities between job seekers and suitable jobs has added immeasurably to our urban ills. Many have traveled to the wrong place.
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> Accordingly, one objective of regional economic development, whether it takes place in rural or urban areas, must be to achieve throughout the nation a reasonable balance between jobs and people.
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> The EDA programs can and do offer an alternative (to the current migration trends from the rural areas to the cities in search of jobs)—a more decentralized and diversified urbanization process with a potential for enhancing rather than destroying social as well as economic values and the quality of American life.

I am happy to say that the program is working well in my State of Arkansas, as indicated by the following examples:

First. Industrial park development: The Economic Development Administration provided a $1,206,000 grant to the Pine Bluff-Jefferson County Port Authority to develop a waterfront industrial park in connection with the city's port. This 372-acre industrial park was created by land fill in a low, swampy area near the river. It has all of the necessary public utilities, including railroad spurs and will be served by superhighway within the next 3 years. Two firms are now building in the new park area. It is expected that 1,500 new jobs will be created by the time the industrial complex is completed.

Second. Five county industrial and municipal water distribution system: EDA provided $839,500 to the Southwest Arkansas Water District to assist it in constructing a five-county water distribution system to carry water from Lake Millwood to industrial sites and municipalities in Southwest Arkansas. As a result of that project, the Nekoosa-Edwards paper mill, located near Ashdown, provided 1,350 jobs and a payroll of more than $9 million annually for southwest Arkansas residents. More importantly, there are seven cities in southwest Arkansas which lay along the distribution canal that can draw on this 50 million gallon-per-day industrial water supply.

Third. Water and sewer system improvements to existing municipal facilities: Many municipalities cannot expand their industrial development efforts because of the inadequacies of local water and sewer systems to absorb the additional demands that would be made on the system. Such was the case at Fort Smith, Ark., where EDA provided $2,219,090 to expand the city's water and sewer facilities, to build access roads to industrial sites, and to provide day-care services for low-income working mothers. It is estimated that 1,342 new jobs were created immediately, with an expected 1,750 jobs to result from the entire economic development program connected with this grant.

Fourth. Southwest technical institute: EDA's primary objective is to create new jobs. When the old Shumaker Ordinance Works closed after the Korean war, approximately 4,000 jobs were lost to the community. The property which was sold to Brown and Root Engineering has since been developed into an industrial complex housing primarily technical industries such as electronics, munition production, and other jobs requiring skilled workers. The State, in conjunction with private industry, entered into a partnership with the Economic Development Administration to create an industrial technology institute to train highly skilled technicians. There is no way to adequately estimate how many jobs this will create, but it is a known fact that many of the industries locating in the industrial park are attracted there by the availability of highly skilled workers. It is expected that the institute will have the capacity to train 2,000 workers annually when it gets into full scale operation.

Mr. President, these are but a few illustrative examples of many I could cite that have worked well in Arkansas. I have such great confidence in the potential benefits to be derived from this program that this year, as chairman of the appropriations subcommittee, I sought to retain the full funding for the operational activities of EDA, and we were successful in restoring $4.5 million which had been cut from the funds for development facilities by the House. And my colleagues may be sure that in so doing I was—and am—fully cognizant of our Government's tight financial situation, as indicated in my testimony last May urging support for this program.

I am hopeful that we can enlarge this program in the future, to the full extent that prudent investments and the prospects of fruitful results allow.

II. USE OF FEDERAL LAND HOLDINGS

According to President Nixon's environment message, the Federal Government owns one-third of all the land in the United States—more than 750 million acres. The President stated that this land might be put to better us, emphasizing the need for additional park and recreational areas. I support that objective, but suggest that we not limit the use of public land to park and recreation.

I suggest that we explore the possibility of using Federal land grants in furtherance of a national policy to decentralize our industrial base and reverse our population migration to the urban areas.

The use of public lands has long been employed by the Government as an efficacious means of implementing a national objective. As previously indicated, the beginning of this type of aid can be traced back to the ordinance of 1785, when the Congress of the Confederation dedicated a section of every township in the Federal domain for the maintenance of public schools.

Again in the area of education, Congress passed the Morrill Act in 1862, to establish a system of land-grant colleges and universities to be operated on the income from public lands—30,000 acres or its equivalent in scrip for each Member of Congress—for each State. From this beginning we have developed a national system of higher education in every State of the Union and the Commonwealth of Puerto Rico.

Every schoolboy knows of the role Federal land grants for railroads played in the early development of this country. Congress granted more than 188 million acres of land for this purpose during the period from 1850 to 1880. Also from 1827 to 1866, the Federal Government granted 4.5 million acres of land for canals.

More recently, Congress enacted the Federal Property Act of 1949, authorizing grants of Federal surplus land for educational, health, public airports, wildlife conservation, and historic monuments purposes. Also under that authority, such property may be conveyed at 50 percent of the fair market value for use for park and recreational purposes.

The General Services Administration, which is responsible for administering the Federal Property Act, reports that excess and surplus Federal real property is currently held in each of the 50 States. Since 1949, the GSA has disposed of Federal real property having a total acquisition cost of $6.5 billion.

The Housing Act of 1961 contained a provision to assist State and local governments in preserving open-space land in and around urban areas which, for economic, social, conservation, recreational, or esthetic reasons, is essential to the proper long-range development and welfare of the Nation's urban areas and their suburban environs. The Department of Housing and Urban Development advises that some 300,500 acres of land have been devoted to this program.

In 1964, Congress enacted Public Law 88–608, a temporary law to provide for transfer of title of Federal lands that are required for orderly growth and development of a community or are chiefly valuable for residential, commercial, agricultural, and industrial or public uses or development. This act has been extended until June 30 of this year and thus far 30,052 acres have been sold under this authority for $1,918,897.

Grants to States and their political subdivision for planning, acquisition, and development of public outdoor recreation areas and facilities were provided for in the Land and Water Conservation Act of 1965—Public Law 88–578. This act has provided $502 million for recreational land acquisition over the past 5 years and has been described as one of the most important general acts designed to promote a national land use policy. Last year Congress enlarged the fund to $1 billion over 5 years by dedicating revenues received from mineral development on the Outer Continental Shelf.

Mr. President, all of this is by way of saying that there is ample precedent for using public lands in furtherance of national policies.

As with the grant-in-aid programs, I urge the administration to direct each Federal agency and department charged with administering our land-grant programs to review them with a view toward using them to implement a national policy of developing rural areas for future growth, and using existing property in urban areas, to the fullest possible extent for open spaces; that is, parks and recreational purposes. I also suggest the administration explore the feasibility of establishing a Federal land-grant program for the specific purpose of developing existing and new communities in rural areas.

Such a program would facilitate the decentralization of our industrial complex; create new centers of employment and population growth; help areas of lagging growth; reduce the pressure of our compacted metropolitan areas; and promote environmental control, which can be more readily implemented in new industries and accomplished faster in metropolitan areas if population pressures are eased.

We have been blessed with only one crop of land and it is incumbent upon us to put it to the best possible use for the greatest number of our people.

Obviously, the happenstance of the location of Federal property will have a limiting effect on its use; however, there is always the possibility of exchanging Government-owned parcels for others to obtain a desirable tract for use under this proposed program.

III. USE OF FEDERAL PROCUREMENT CONTRACTS

In fiscal year 1969, the Government expended approximately $55 billion for the procurement of goods and services—$43 billion for defense purposes, and the remainder—$12 billion—by the civilian branch of the Government.

The two basic statutes which govern military and nonmilitary procurement were enacted more than 20 years ago. During that time the Federal budget rose from $40 billion to $200 billion and procurement from $9 billion to $55 billion. Despite this phenomenal increase in Federal procurement, the magnitude of expenditures involved and an awareness of the fact that practices and procedures by which goods and services are secured are varied, uncoordinated, and lacking in uniformity, no comprehensive review of Federal procurement policies and practices has been undertaken since the first Hoover Commission filed its report in 1949.

Accordingly, last year Congress passed legislation, reported by the Committee on Government Operations, to establish a Commission on Government Procurement, to study problems in this area, and make appropriate recommendations—Public Law 91–129.

The language of the law offers general guidelines to the Commission but does not attempt to limit the scope of its inquiries into the multifaceted field of Government procurement.

I urge the administration to appoint promptly the best qualified people available to this Commission, and charge them with the duty of exploring the possibility of seeking a better balanced economy through the use of Federal procurement practices and policies, to the extent that prudent management will allow. Certainly we must constantly seek to obtain a full dollar's worth for every tax dollar spent on Government procurement, but it may well be that money spent in seeking to decentralize industries and to reverse present population trends will prove to be the best possible investment over the long pull. I am not suggesting that we launch an antipoverty system of procurement, but I do believe that we have had sufficient experience with small business set-asides in procurement to determine if a similar device can be used to further the national policy of seeking a more evenly distributed population growth, and facilitate efforts to restore our environment.

Mr. President, each of these suggestions is offered in the prevailing spirit of making a concerted effort to protect and restore not only the environment of America, but to enhance the quality of life for every American. I am convinced that every American—present and future—will benefit from a national policy that seeks an orderly, balanced economic and population growth, in a quality environment.

Human needs, wants, desires, and aspirations have always been uppermost in the minds of those concerned with setting national policies.

So is was the beginning of this Nation, and so it is today when in recent years we have adopted national policies and programs seeking full employment, better education, decent housing, and the elimination of poverty. Now let us proclaim a policy that will assure every American a better life in a better environment. Let those at the national level show the way by utilizing the full force and power of the Federal establishment toward these noble ends.

Let us begin by coordinating existing Federal programs that may lend themselves to the achievement of a national policy of decentralizing industry and encouraging economic and population growth in our rural areas so that we might ease the pressures on our cities—the prime source of pollution—and increase the opportunities for providing a better living environment for all our citizens.

The Economic Development Administration has been successful in this area on a modest scale. I suggest, therefore, that we expand its role and enlist its expertise, experience, and facilities in the implementation of this national policy.

Any effort to try to adjust the present maldistribution of population—especially in this country—will tax the resources, ingenuity, and best minds of America. That it will be difficult is obvious, however, it is equally clear that such an effort will be in the best interest of our people and our future generations. This Nation has shown time and again that once we have the will, the determination and dedication, anything is possible. One has only to remember the great mobilization for—and execution of—America's war effort—the tremendous success of the Marshall plan—and the leap-frogging technological advances that saw this Nation place men on the moon within a short decade, to know that it can be done.

I am sure that we are equal to the task, Mr. President, and I urge that we begin immediately to launch this massive undertaking.

Mr. President, a Gallup poll taken in 1968 showed that 56 percent of Americans would choose a rural life if they were free to do so, that only 18 percent would choose a city life, and 25 percent would chose a suburban life.

Let me point out that if we are going to solve the problems of congestion, pollution, and the environment, the wise thing to do is to establish programs which will carry jobs out to where the people are, and not further concentrate industry in overcrowded areas where there are already too many people, and where we have the most difficult problems with pollution, transportation, and general living conditions.

Thus, I suggest that the matters I have discussed today merit the attention and consideration of Congress and the administration.

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

Mr. McCLELLAN. I am happy to yield to the Senator from Illinois.

Mr. PERCY. I should like to commend the distinguished Senator from Arkansas for a very thought-provoking speech. I am sorry I was not here for all of it but I intend to study it very carefully.

The Senator from Arkansas has touched on a subject of great interest to me. I have noticed with great alarm the continued concentration of populations in the urban areas which has added not only to the environmental problem but to the overloading of schools and to the overloading of the welfare programs. Congestion of people in this country today is almost unbearable.

Mr. McCLELLAN. I believe I gave four examples of how Federal grants-in-aid, in this instance, the EDA programs,

helped to establish new industries in Arkansas. These four projects probably provided 5,000 jobs. The people involved would probably be on relief or would have to go to some metropolitan area in search of a job, had these programs not been implemented in Arkansas. I do not have a complete blueprint or all the answers, but I believe that it is a wise thing, and that it would be a desirable national policy to try to take the jobs out to where the people are and stop the influx of people into overcrowded areas.

Unless we reverse the population trend to the cities, we cannot hope to remedy many of the pressing problems that prevail in the metropolitan areas today.

Mr. PERCY. We have experienced in Illinois, not only migration from the South where the people there simply did not have the industrial opportunity but also migration within the State. Southern Illinois is a beautiful section of the country. We educate thousands of young people at Southern Illinois University, but most of them do not live in the area and do not wish to stay there to build up the community.

I believe that we must move into some kind of decentralization, such as in the St. Louis and Chicago regions, and find some incentive to encourage people to move into the rural areas so that they can have a better life.

Once more I commend the distinguished Senator from Arkansas for a very perceptive and thoughtful speech.

Mr. McCLELLAN. I am glad to have the support of the distinguished Senator from Illinois. This is not an idea, a plan, or a scheme to injure or detract from the metropolitan, highly developed communities in the Nation. It is a suggestion designed to prevent more injury to them while at the same time, encouraging growth in our rural, less-populated areas. This is a sensible thing to do.

I thank the Senator from Illinois.

Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2701.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2701) to establish a Commission on Population Growth and the American Future, which was to strike out all after the enacting clause, and insert:

That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(3) not to exceed twenty members appointed by the President.

(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(c) The majority of the members of the Commission shall consitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided,* That no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

GOVERNMENT AGENCY COOPERATION

SEC. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

SEC. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

SEC. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Mr. McCLELLAN. Mr. President, this Commission would conduct and sponsor studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implications for America's future.

The Commission would be composed of two Members from the Senate, two from the House, and not to exceed 20 members to be appointed by the President.

The Commission would conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population; and

Third, the ways in which population growth may affect the activities of Federal, State, and local government.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator from Arkansas has expired. Under the previous order, and without objection, the Senator will be recognized for an additional 3 minutes.

Mr. McCLELLAN. Mr. Presdent, I think we have a different matter before the Senate now.

The PRESIDING OFFICER. That is true, but under the previous order, the Senator can be recognized for 3 additional minutes.

Mr. McCLELLAN. I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. McCLELLAN. Mr. President, fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and fifth, the various means appropriate to the ethical values and principles of this so-

ciety by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

Mr. President, the House amended the bill by adding the last two sections, (4) and (5), which I have just read; reduced the per diem for members not otherwise employed by the Government from $150 to $100 a day; and added the following language, under the reporting section—(section 8 of the bill—page 5, line 8, ", in order that the President and Congress may be kept advised of the progress of its work, the commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable."

Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. PERCY subsequently said: Mr. President, this morning the Senate adopted a measure which will create a Commission on Population Growth and America's Future.

I believe that this is one of the most significant actions taken by the Senate. The House has also approved the action.

We have, of course, tremendous leadership now, at the Presidential level, in what I consider to be one of the most important long-range problems faced by our country, if not by the world.

The ice was broken by President John F. Kennedy, who took a firm, courageous, and forthright position. Certainly the most complete and searching analysis of the problem has been made in the Presidential message of President Richard M. Nixon. That was a statement that required courage. It was based on a tremendous amount of research. I believe that it charted for the future a definite program of research, development, evaluation, and study to determine what effect population growth will have on the quality of life in America and in the world.

Mr. President, we should take into account, I believe, the tremendous work which has already been done in the private sector as we in the Government begin work in this area.

We are the benefactors today, as we now go to work on the problem of environmental control, of the years of research done by the private foundations and the great universities of this country in conservation and environmental control.

In fact, some of the very men appointed to the Council on Environmental Quality, such as Russell Train, Under Secretary of the Interior, Laurence Rockefeller, and others, have come out of the area of foundations on education, or other private organizations, which have been working in the field of environmental control. They come fully equipped and will give to Government all the background and experience they have acquired.

In the area of population control, Government previously has been exceedingly timid and cautious and has, perhaps, given too much weight to political considerations rather than practical considerations.

Private foundations and philanthropies have courageously and boldly moved ahead throughout the years in this field, both in the United States and abroad. I need mention only the pioneering and outstanding work done by the Ford Foundation in India with the many programs which it has carried on through the years.

Certainly the Rockefeller Foundation has specialized in this area. John D. Rockefeller III has devoted more years of his life to this one subject than any other subject, and certainly he is one of the most knowledgeable and experienced men in this area. He has not only worked on it in the United States of America, to try and understand what it will do to the quality of life in America if we do not arrest our present population growth, but he has also consulted with world leaders, and chiefs of state, to see whether world assistance and leadership could be elicited in this activity.

I commend the President of the United States. I commend the Congress of the United States for now laying out a structure of commission members, both Government as well as members from private life, to move forward now in an orderly fashion to focus the attention of the country and the world on this problem.

I believe that President Nixon deserves great credit, bipartisan credit on both sides of the aisle, for the forthright position he has taken on an action that has now enabled Congress to move ahead in this field.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the able Senator from Missouri (Mr. EAGLETON) is now recognized for not to exceed 15 minutes.

MESSAGES FROM THE PRESIDENT

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

EDUCATIONAL REFORM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-267)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

American education is in urgent need of reform.

A nation justly proud of the dedicated efforts of its millions of teachers and educators must join them in a searching re-examination of our entire approach to learning.

We must stop thinking of primary and secondary education as the school system alone—when we now have reason to believe that young people may be learning much more *outside* school than they learn in school.

We must stop imagining that the Federal government had a cohesive education policy during a period of explosive expansion—when our Federal education programs are largely fragmented and disjointed, and too often administered in a way that frustrates local and private efforts.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching—when we spend less than one half of one percent of our educational budget on research, compared with 5% of our health budget and 10% of defense.

We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend.

A new reality in American education can mark the beginning of an era of reform and progress for those who teach and those who learn. Our schools have served us nobly for centuries; to carry that tradition forward, the decade of the 1970s calls for thoughtful redirection to improve our ability to make up for environmental deficiencies among the poor; for long-range provisions for financial support of schools; for more efficient use of the dollars spent on education; for structural reforms to accommodate new discoveries; and for the enhancement of learning before and beyond the school.

When educators, school boards and government officials alike admit that we have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform.

Therefore, *I propose that the Congress create a National Institute of Education* as a focus for educational research and experimentation in the United States. When fully developed, the Institute would be an important element in the nation's educational system, overseeing the annual expenditure of as much as a quarter of a billion dollars.

I am establishing a President's Commission on School Finance to help States and communities to analyze the fiscal plight of their public and non-public schools. We must make the nation aware of the dilemmas our schools face, new methods of organization and finance must be found, and public and non-public schools should together begin to chart the fiscal course of their educational planning for the Seventies.

I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totalling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

I propose that the Department of Health, Education and Welfare and the Office of Economic Opportunity begin

now to establish a network of child development projects to improve our programs devoted to the first five years of life. In fiscal 1971, a minimum of $52 million will be provided for this purpose.

NEW MEASUREMENTS OF ACHIEVEMENT

What makes a "good" school? The old answer was a school that maintained high standards of plant and equipment; that had a reasonable number of children per classroom; whose teachers had good college and often graduate training; a school that kept up to date with new curriculum developments, and was alert to new techniques in instruction. This was a fair enough definition so long as it was assumed that there was a direct connection between these "school characteristics" and the actual amount of learning that takes place in a school.

Years of educational research, culminating in the Equal Educational Opportunity Survey of 1966 have, however, demonstrated that this direct, uncomplicated relationship does not exist.

Apart from the general public interest in providing teachers an honorable and well-paid professional career, there is only one important question to be asked about education: *What do the children learn?*

Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening to the children in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. Expensive equipment may not make as much difference as its salesmen would have us believe.

And yet we know that something does make a difference.

The *outcome* of schooling—what children learn—is profoundly different for different groups of children and different parts of the country. Although we do not seem to understand just what it is in one school or school system that produces a different outcome from another, one conclusion is inescapable: *We do not yet have equal educational opportunity in America.*

The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.

The corresponding need in the school systems of the nation is to begin the responsible, open measurement of how well the educational process is working. It matters very little how much a school building costs; it matters a great deal how much a child in that building learns. An important beginning in measuring the end result of education has already been made through the National Assessment of Educational Progress being conducted by the Education Commission of the States.

To achieve this fundamental reform it will be necessary to develop broader and more sensitive measurements of learning than we now have.

The National Institute of Education would take the lead in developing these new measurements of educational output. In doing so it should pay as much heed to what are called the "immeasurables" of schooling (largely because no one has yet learned to measure them) such as responsibility, wit and humanity as it does to verbal and mathematical achievement.

In developing these new measurements, we will want to begin by comparing the actual educational effectiveness of schools in similar economic and geographic circumstances. We will want to be alert to the fact that in our present educational system we will often find our most devoted, most talented, hardest working teachers in those very schools where the general level of achievement is lowest. They are often there because their commitment to their profession sends them where the demands upon their profession are the greatest.

From these considerations we derive another new concept: *accountability.* School administrators and school teachers alike are responsible for their performance, and it is in their interest as well as in the interest of their pupils that they be held accountable. Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils.

For years the fear of "national standards" has been one of the bugaboos of education. There has never been any serious effort to impose national standards on educational programs, and if we act wisely in this generation we can be reasonably confident that no such effort will arise in future generations. The problem is that in opposing some mythical threat of "national standards" what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the *productivity* of schools.

This is a mistake because it undermines the principle of local control of education. Ironic though it is, the avoidance of accountability is the single most serious threat to a continued, and even more pluralistic educational system. Unless the local community can obtain dependable measures of just how well its school system is performing for its children, the demand for national standards will become even greater and in the end almost certainly will prevail. When local officials do not respond to a real local need, the search begins for a level of officialdom that will do so, and all too often in the past this search has ended in Washington.

I am determined to see to it that the flow of power in education goes toward, and not away from, the local community. The diversity and freedom of education in this nation, founded on local administration and State responsibility, must prevail.

THE NATIONAL INSTITUTE OF EDUCATION

As the first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise.

The National Institute of Education would be located in the Department of Health, Education, and Welfare under the Assistant Secretary for Education, with a permanent staff of outstanding scholars from such disciplines as psychology, biology and the social sciences, as well as education.

While it would conduct basic and applied educational research itself, the National Institute of Education would conduct a major portion of its research by contract with universities, non-profit institutions and other organizations. Ultimately, related research activities of the Office of Education would be transferred to the Institute.

It would have a National Advisory Council of distinguished scientists, educators and laymen to ensure that educational research in the Institute achieves a high level of sophistication, rigor and efficiency.

The Institute would set priorities for research and experimentation projects and vigorously monitor the work of its contractors to ensure a useful research product.

It would develop criteria and measures for enabling localities to assess educational achievement and for evaluating particular educational programs, and would provide technical assistance to State and local agencies seeking to evaluate their own programs.

It would also link the educational research and experimentation of other Federal agencies—the Office of Economic Opportunity, the Department of Labor, the Department of Defense, the National Science Foundation and others—to the attainment of particular national educational goals.

Here are a few of the areas the National Institute of Education would explore:

(a) *Compensatory Education.* The most glaring shortcoming in American education today continues to be the lag in essential learning skills in large numbers of children of poor families.

In the last decade, the Government launched a series of ambitious, idealistic, and costly programs for the disadvantaged, based on the assumption that extra resources would equalize learning opportunity and eventually help eliminate poverty.

In some instances, such programs have dramatically improved children's educational achievement. In many cases, the programs have provided important auxiliary services such as medical care and improved nutrition. They may also have helped prevent some children from falling even further behind.

However, the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.

Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly; 13%

appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Thoughtful men recognize the limitations of such measurements and would not conclude that the programs thus assessed are without value. It may be necessary to wait many years before the full impact of such programs on the lives of poor youngsters can be ascertained. But as we continue to conduct special compensatory education for the disadvantaged, we must recognize that our present knowledge about how to overcome poor backgrounds is so limited that major expansion of such programs could not be confidently based on their results.

While our understanding of what works in compensatory education is still inadequate, we do know that the social and economic environment which surrounds a child at home and outside of school probably has more effect on what he learns than the quality of the school he now attends. Therefore, the major expansion of income support proposed in the Family Assistance Plan should also have an important educational effect.

The first order of business of the National Institute of Education would be to determine what is needed—inside and outside of school—to make our compensatory education effort successful. To help get this process under way now, I have also reactivated the National Advisory Council on the Education of Disadvantaged Children, and have appointed a slate of distinguished educators who will make recommendations and help monitor our efforts in this field. The nation cannot afford defeat in this area.

(b) *The Right To Read.* In September, the nation's chief education officer, Dr. James E. Allen, Jr., proclaimed the Right to Read as a goal for the 1970's. I endorse this goal.

Achievement of the Right to Read will require a national effort to develop new curricula and to better apply the many methods and programs that already exist. Where we do not know how to solve a reading problem, the National Institute of Education would undertake the research. But often we find that someone does know how, and the Institute would make that knowledge available in forms that can be adopted by local schools.

In some critical areas, we already know how to work toward achieving the Right to Read for our nation's children. In the coming year, I will ask the Congress to appropriate substantial resources for two programs that can most readily serve to achieve this new commitment—the program that assists school libraries to obtain books, and the program that provides funds through the states for special education improvement projects.

I will shortly ask Congress to increase the funds for these two programs—funds which are available to public and non-public schools alike—to $200 million. I shall direct the Commissioner of Education to work with State and local officials to assist them in using these programs to teach children to read. This is a purpose which I believe to be of the very highest priority for our schools, and a right which, with the cooperation of the nation's educators, can be achieved for every young American.

(c) *Television and Learning.* Most education takes place outside the school. Although we often mistakenly equate "schooling" with "learning," we should begin to pay far greater attention to what youngsters learn during the more than three-quarters of their time they spend elsewhere.

In the last twenty years, there has been a revolution in the way most boys and girls—and their parents—occupy themselves. The average high school student, for example, by the time he graduates, has spent 11,000 hours in school—and 15,000 hours watching television.

Our goal must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach.

The technology is here, but we have not yet learned how to employ it to our full advantage. How can local school systems extend and support their curricula working with local television stations? How can new techniques of programmed learning be applied so as to make each television set an effective teaching aid? How can television, audio-visual aids, the telephone, and the availability of computer libraries be combined to form a learning unit in the home, revolutionizing "homework" by turning a chore into an adventure in learning?

The National Institute of Education would examine questions such as these, especially in that vital area where out-of-school activities can combine with modern technology and public policy to enhance our children's education. It will work in concert with other organizations and agencies dedicated to the educational uses of television technology. Prominent among these is the Corporation for Public Broadcasting, which the Congress established in 1967 as a private entity to channel and shape the use of Federal funds in support of public broadcasting. With its authorization for Federal funds expiring shortly, the time has come to extend the Federal support for the Corporation to stimulate its continuing growth and improvement. Accordingly, the Secretary of Health, Education, and Welfare is today transmitting a bill to authorize funds for the Corporation for a three-year period. This will permit the Corporation to grow in the orderly and planned way so important to a new undertaking. A portion of the annual Federal funding would be based on matching the dollars raised by the Corporation from non-Federal sources. The Congress did not intend that the Corporation derive its funds solely from the Federal Government. Therefore, increased contributions from private sources should be stimulated during the early years through the incentive offered in the matching process.

(d) *Experimental Schools.* As a bridge between basic educational research and actual school practices, I consider the Experimental Schools program to be highly important. Accordingly, I renew my request to the Congress to appropriate the full amount asked—$25 million in Fiscal Year 1971.

The Secretary of Health, Education, and Welfare is today transmitting a bill to establish the National Institute of Education. We have taken a similar approach in biomedical research through the National Institutes of Health; this effort in education would be an historic step forward.

THE PRESIDENT'S COMMISSION ON SCHOOL FINANCE

I am today signing an Executive Order establishing a President's Commission on School Finance, to be in existence for two years, reporting to the President periodically on future revenue needs and fiscal priorities for public and non-public schools.

(a) *From Quantity to Quality.* Over the past twenty years the public schools have experienced the greatest expansion in their history. Enrollments increased by 80%—from 25 million to 45 million pupils—in those two decades.

But now the period of steep enrollment growth in the schools is over: The birthrate has been declining for about ten years and the number of pupils in the public schools is expected to rise only slightly in the decade ahead. This means that the schools, no longer faced with a problem of sharply increasing numbers, will now be able to concentrate on finding improved educational methods. They can now shift their emphasis from quantity to quality.

(b) *Future Financial Needs.* Despite this leveling-off of enrollments, additional resources will be necessary, particularly if the present rate of growth in *per pupil* expenditures continues. Yet, because we have neglected to plan how we will deal with school finance, we have great instability and uncertainty in the financial structure of education.

(c) *Disparity Among Districts and States.* The continuing if narrowing gap in educational expenditures between rich and poor States and rich and poor school districts is cause for national concern. Differences in dollars per pupil are not in themselves wrong; in a democracy, communities should have the right to provide extra support to their schools if they wish. But some areas with a low tax base find it difficult or impossible to provide *adequate* support to their schools, a problem that crosses State lines in an era of mobility—when the poorly taught of one area frequently become unemployed adults elsewhere.

The need is apparent for a central body to study the different approaches being pioneered by States and local districts, and to disseminate the information about successes achieved and problems encountered at the local level.

(d) *Sources of Funds for Education.* State support accounts for 38% of school revenues, Federal support for about 8%, with 54% of the burden carried locally. Of the local funds, almost all come from property taxes, but that tax base is not keeping up with educational expendi-

tures. A major review of the tax resources and needs of education is in order.

The best method of providing direct Federal monetary aid to education, and the one most consistent with local control of education, is through the system of revenue sharing which I proposed to the Congress in August. Much of the tax revenue which the Federal government would return to the States will probably be used where two-fifths of State and local funds now go—to the schools. Revenue sharing proposals which would total five billion dollars annually by 1975 will help States and localities meet their educational and other needs in the way that ensures the most diversity and the most responsiveness to local need—without Federal domination.

A related and important reform is urgently needed in the present program of grants to schools in Federally-impacted areas. As presently constituted, this program neither assists States to determine their own education expenditures nor redirects funds to the individual districts in greatest need. That is why, in the Federal Economy Act submitted to the Congress last week, I called for a thoroughgoing reform of this program. The President's Commission on School Finance will examine the combined effects of this reform, the potential of revenue sharing for educational finance, and the impact of savings accruing to states under the proposed Family Assistance Program, and will assist State and Federal agencies to plan effectively for these important changes.

(e) *Possible Efficiencies.* Many public and non-public school systems make inefficient use of their facilities and staff. The nine-month school year may have been justified when most youngsters helped in the fields during the summer months, but it is doubtful whether many communities can any longer afford to let expensive facilities sit idle for one-quarter of the year.

Thousands of small school districts—some without schools—continue to exist, resulting in inequities in both finance and education. On the other hand, some of our large city school systems have become too large, too bureaucratic, and insensitive to varying educational needs.

The present system of Federal grants frequently creates inefficiency. There are now about 40 different Federal categorical grant programs in elementary and secondary education. This system of carving up Federal aid to education into a series of distinct programs may have adverse educational effects. Federal "pieces" do not add up to the whole of education and they may distract the attention of educators away from the big picture and into a constant scramble for special purpose grants. Partly for this reason, I will continue to recommend to the Congress plans for consolidation of grants into packages that are truly useful to States and localities receiving them. This would place much more administrative control of these Federal funds in local hands, removing red tape and providing flexibility.

(f) *Non-Public Schools.* The non-public elementary and secondary schools in the United States have long been an integral part of the nation's educational establishment—supplementing in an important way the main task of our public school system. The nonpublic schools provide a diversity which our educational system would otherwise lack. They also give a spur of competition to the public schools—through which educational innovations come, both systems benefit, and progress results.

Should any single school system—public or private—ever acquire a complete monopoly over the education of our children, the absence of competition would neither be good for that school system nor good for the country. The nonpublic schools also give parents the opportunity to send their children to a school of their own choice, and of their own religious denomination. They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans.

Up to now, we have failed to consider the consequences of declining enrollments in *private* elementary and secondary schools, most of them church supported, which educate 11% of all pupils—close to six million school children. In the past two years, close to a thousand nonpublic elementary and secondary schools closed and most of their displaced students enrolled in local public schools.

If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970s would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities.

There is another equally important consideration: these schools—non-sectarian, Catholic, Protestant, Jewish and other—often add a dimension of spiritual value giving children a moral code by which to live. This government cannot be indifferent to the potential collapse of such schools.

The specific problem of parochial schools is to be a particular assignment of the Commission.

In its deliberations, I urge the commission to keep two considerations in mind. First, our purpose here is not to aid religion in particular but to promote diversity in education; second, that nonpublic schools in America are closing at the rate of one a day.

EARLY LEARNING

In the development of the mind, child's play is serious business. One of my first initiatives upon taking office was to commit this Administration to an expansion of opportunities during the First Five Years of Life. That commitment was based on new scientific knowledge about the development of intelligence—that as much of that development takes place in the first five years as in the next thirteen.

We have established a new Office of Child Development in the Department of Health, Education, and Welfare. I am now directing that Department and the Office of Economic Opportunity jointly to establish a network of experimental centers to discover what works best in early childhood education.

An experimental program of this nature is necessary as we expand our child development programs. The Early Learning Program will also provide us with a strong experimental base on which to build the new day care program, involving $386 million in its first full year of operation, which I have proposed as part of the Family Assistance Plan.

The experimental units of the Early Learning Program, working with the National Institute of Education, will study a number of provocative questions raised in recent years by educators and scientists:

—A study of language and number competence between lower and middle-class children shows a significant difference by the time a child is four years old, but the difference is said to become "awesome" by the time the child enters first grade. If this is so, what effect should it have on our approach to compensatory education in the early years?

—A study of poor children in Washington, D.C., conducted by the National Institute of Mental Health, indicates a decline in I.Q.s of infants between the ages of 14 and 21 months—a decline that can be forestalled by skillful tutoring during their second year. If this is true, how should it affect our approach to the education of the very young?

—Many child development experts believe that the best opportunity for improving the education of infants under the age of three lies not in institutional centers but at home, and through working with their mothers. What might we do, therefore, to communicate to young women and mothers—especially to those in or near poverty—the latest information on effective child development techniques with specific suggestions about its application at home?

THE FUTURE OF LEARNING IN AMERICA

The tone of this message, and the approach of this Administration, is intended to be challenging. America's educators have the capacity and dedication to respond to that challenge.

For most of our citizens, the American educational system is among the most successful in the history of the world. But for a portion of our population, it has never delivered on its promises. Until we know why education works when it is successful, we can know little about what makes it fail when it is unsuccessful. This is knowledge that must precede any rational attempt to provide our every student with the best possible education.

Mankind has witnessed a few great ages when understanding of a social or scientific process has expanded and changed so quickly as to revolutionize the process itself. The time has come for such an era in education.

There comes a time in any learning process that calls for reassessment and reinforcement. It calls for new directions in our methods of teaching, new understanding of our ways of learning, for a fresh emphasis on our basic research, so as to bring behavioral science and advanced technology to bear on problems that only appear to be insuperable.

That is why, in this field more importantly than in any other, I have called

for fundamental studies that should lead to far-reaching reforms before going ahead with major new expenditures for "more of the same."

To state dogmatically "money is not the answer" is not the answer. Money will be needed, and this Administration is prepared to commit itself to substantial increases in Federal aid to education—to place this among the highest priorities in our budget—as we seek a better understanding of the basic truths of the learning process, as we gain a new confidence that our education dollars are being wisely invested to bring back their highest return in social benefits, and as we provide some assurance that those funds contribute toward fundamental reform of American education.

As we get more education for the dollar, we will ask the Congress to supply many more dollars for education.

In the meantime, we are committing effort and money toward finding out how to make our education dollars go further. Specifically, the 1971 budget increases funds for educational research by $67 million to a total of $312 million. Funds for the National Institute of Education would be in addition to this increase.

Nearly a century ago, Benjamin Disraeli advised Parliament that "upon the education of the people of this country the fate of this country depends." That is no less true in the United States today, where nearly one person out of three is teaching or studying in one of our schools and colleges and where the greatest social controversy of our generation has centered.

This Administration is committed to the principle and the practice of seeing to it that equal educational opportunity is provided every child in every corner of this land.

I am well aware that "quality education" is already being interpreted as "code words" for a delay of desegregation. We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

We must not permit the controversy about the progress toward desegregation to detract from the shared purpose of all—better education, and especially better education for the poor of every race and color.

That is why this Administration has committed itself to finding the reason—all other things seeming equal—why so much educational achievement remains unequal. We commit ourselves to the realizable dream of raising the American standard of learning.

Teachers and taxpayers alike must not accept the *status quo* in the process of teaching. We must make the schooling fit the student. We must improve education in those areas of life outside the school where people learn so much or so little. We must discover how to begin educating the young mind when it really begins to learn.

By demanding educational reform now, we can gain the understanding we need to help every student reach new levels of achievement; only by challenging conventional wisdom can we as a nation gain the wisdom we need to educate our young in the decade of the 70s.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

EXECUTIVE MESSAGES REFERRED

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

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

METHODS OF ARMY TRAINING IN VIOLATION OF ARMY REGULATIONS

Mr. EAGLETON. Mr. President, yesterday I sent the Secretary of the Army a letter regarding the situation at Fort Leonard Wood in Missouri. It was the third communication I had sent him on this subject in a week. It urged, in the strongest terms, that the Secretary look into allegations "that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistance in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia."

During the past month 18 soldiers at Fort Leonard Wood have contracted spinal meningitis. Three have died of it. One other boy has died of pneumonia. This is a tragedy. Maj. Gen. W. T. Bradley, commanding officer of Fort Leonard Wood, has stated:

> The occurrence of meningococcal disease in our training centers is a well-known and established phenomenon.

All right. Yet reports from soldiers and their parents indicate that the Army has been lax in dealing with this meningitis crisis. These reports allege that base officials—through at best unthinking and insensitive action and through at worst unconscionable and perhaps illegal action—have increased the likelihood that upper respiratory diseases, often a forerunner of meningitis and pneumonia, would spread, and they have.

I do not make this statement lightly. I have asked three times in 1 week that the Secretary of the Army give his immediate attention to seeing that proper preventive action is taken to stop this mounting death toll and that he investigate the entire situation at Fort Leonard Wood.

The seriousness of the situation goes to the very heart of this Government's responsibilities to our servicemen as they fulfill their responsibilities to the Nation.

In the past 2 weeks, reports of exhausting duty, extensive harassment, and inadequate medical assistance at Fort Leonard Wood have come to my office. As I stated in a letter to the Secretary of the Army on February 23:

> I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhausting routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness. These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty.

There have also been disturbing reports about the adequacy of medical assistance, harassment of soldiers who go to the hospital, and of alleged intimidation of soldiers from going on sick call.

It was only yesterday that I learned about the trainee at Fort Leonard Wood who died on February 17 of pneumonia. The St. Louis Globe Democrat interviewed Pvt. Burman Dyer, whose wife is critically ill with meningitis after visiting him at the base February 22. Private Dyer told of the circumstances surrounding the death from pneumonia of Pvt. Larry Breeling, a 4-year enlistee and a member of his company.

According to Dyer, Breeling became ill in early February and was sent to the base hospital where his condition was diagnosed as pneumonia. Dyer said of Breeling:

> They gave him penicillin and sent him back on duty within 24 hours. He could not take his physical training test when he came back. He was still too sick.

Dyer stated that 2 nights later he and some members of his company discovered Breeling apparently delirious in his bed. Once again I quote:

> He was screaming and shouting and yelling for them to leave him alone. A sergeant who was in charge of our building that night told us to quiet him down or else he was asking for a court martial.

The next morning Breeling was discovered dead in his bed.

This is not an isolated instance.

Pvt. Steven G. Lagermann died of meningitis on February 24. In the last letter he wrote to his parents before his death he stated:

> Mom, is there any possible way you could get me some of those penicillin pills? I found out that at least one guy died here because his resistance was so low . . . so to save our lives we need the medication . . . you go to the hospital and they give you two aspirins and send you back into the field . . . there were only 125 in the field today out of 220 . . . rest are sick.

Lagermann's father said that in a telephone conversation with his son, Steven stated:

> You have to have at least a 104 degree temperature before they would pay any attention to you.

The St. Louis Post Dispatch stated that about 400 trainees a day are being treated for respiratory ailments. Spokesmen for the Army at Fort Leonard Wood acknowledged that hospital admissions for upper respiratory infections—running 100–150 a day in mid-February—have been reduced. However, from most accounts, many are inadequately treated and others fear harassment in the hospital if they go on sick calls.

The father of Pvt. Henry Iglauer, who

died on February 11 of meningitis, wrote me on February 17:

Henry died last week, and I am enclosing a clipping from the St. Louis Post Dispatch, of some of the details. I am writing you, however, because in all our grief and in our loss of our only son, we would like to do something about protecting the rest of the men at Ft. Leonard Wood.

In the last week we have had ample opportunity to talk to enlisted men, junior and senior officers alike, and the stories we can piece together from their comments are unbelievable in the 1970's. The treatment of these young men—the youth of our country—is actually inhuman. Neither did my son have, nor do we have any objection to physical fitness. My son enjoyed the rigors of creating and keeping a healthy body. But the Army is tearing down step by step, day by day, the physical being of the men under their command. The biggest complaint of everyone there is the lack of sleep which these men suffer.

Men are being scared not to go on sick call because "if they miss 5 days of duty they will be re-cycled and have to start all over again." Men are told in the very beginning that if they go on sick call they have to pack up all their belongings and return them to the supply depot first, before they can go on sick call. This is a chore when you are well. Much more so when you are sick.

Mr. Iglauer also told me that one of his son's friends told him of a soldier in the hospital with measles and 101 degree fever. On the second day he was told to mop the floors in the hospital. I have been told of similar situations by other reliable sources.

The situation at Fort Leonard Wood necessitates an immediate and full investigation. After three letters I have still not received the courtesy of a reply from the Secretary of the Army or from anyone on his staff. However, I am not concerned with courtesy or governmental amenities, but rather with action.

I want to know if the accepted procedures in dealing with an outbreak of meningitis, as described by the Office of the Surgeon General, were followed. These procedures call for the hospitalization of those with a fever of over 99.6 degrees. They call for an evaluation by the post surgeon and a reduction of the total number of hours of training. They call for an increase in hot meals. Were these procedures followed? If not, why not?

I want to know if Army regulations have been broken. Have these men been denied adequate rest? Has medical attention been adequate? Was a man suffering from pneumonia released from the hospital? Why was not a man suffering from a delirium brought in? Does harassment occur in the hospital or retaliation occur upon leaving?

In the last 4 days I have received many letters and phone calls from parents of inductees and reservists and the men themselves, asking if they should report to Fort Leonard Wood. They ask me, "What should I do?" How can a public official with serious doubts about the situation at Fort Leonard Wood answer such a question? I honestly do not know.

These and other questions must be answered, and answered fully, completely and promptly.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my correspondence with Secretary of the Army Resor, including my letter to him dated February 23, 1970, my telegram to him of February 27, 1970, and my letter to him of March 2, 1970.

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

U.S. SENATE,
Washington, D.C., February 23, 1970.

Hon. STANLEY R. RESOR,
The Pentagon,
Arlington, Va.

DEAR MR. SECRETARY: Enclosed you will find a Xerox copy of a news article from the February 13, 1970 issue of the *St. Louis Post Dispatch*.

I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhausting routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness.

These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty.

Mr. Secretary, I was an enlisted man in the U.S. Navy and I realize that there is always some griping by recruits, etc. I personally used to "gripe like hell."

However, the tone and tenor of the mail to which I have referred, in my judgment, transcends the routine or expected gripe. In my judgment, it indicates the possibility of some substantial problems at Fort Leonard Wood which need attention and improvement.

I respectfully ask that with all due haste you examine both the health status and the physically exhausting training rigors as they have existed or do continue to exist at Fort Leonard Wood.

Your very truly,
THOMAS F. EAGLETON,
U. S. Senator.

FEBRUARY 27, 1970.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

MR. SECRETARY: I have just received a report of the third death this month of a recruit at Fort Leonard Wood, Missouri, from spinal meningitis. Fourteen other cases have been reported this month, and there were nine cases in January.

In light of the obvious crisis that exists, I urgently request that preventive action be taken immediately to avert the possibility of any further deaths, and I further request that an immediate investigation be ordered by your office of conditions at the base, including methods of training, as I requested in my letter to you February 23, to which I have not yet received a reply.

This investigation must be made with all possible speed to determine whether conditions at the base contributed to the current health situation and whether changes and improvements must be made.

THOMAS F. EAGLETON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., March 2, 1970.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

DEAR MR. SECRETARY: Since my telegram to you last Friday it has been revealed in the press that another trainee at Fort Leonard Wood died in February—this time of pneumonia—bringing the total number of deaths at the base last month to four, three of them from spinal meningitis.

It was also disclosed this morning in a St. Louis newspaper that the wife of another trainee is in critical condition with spinal meningitis apparently contracted after a visit February 22 at Fort Leonard Wood with her husband, who is in basic training there.

This woman is a teacher at a high school with more than 4,100 students and taught for four days after visiting her husband before becoming visibly ill. School officials are now worried she may have infected some of the students.

It is my information that hundreds of cases of respiratory infections are now being treated daily at Fort Leonard Wood. Base spokesmen continually are quoted as saying that nothing unusual is occurring. I don't think they can be believed.

For a week now I have been getting an increasing number of letters and phone calls from the parents of boys now undergoing basic training at Fort Leonard Wood. These letters and phone calls consistently allege that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistence in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia. I outlined some of these to you in a previous letter.

Letters written home before their deaths by two of the meningitis victims are revealing—and they should not go unheeded.

I have received calls from parents whose sons told them as recently as yesterday that trainees are still being intimidated from going on sick call—and this with more than 25 cases of spinal meningitis reported in the last two months, with four young men dead, with base officials admitting they have a high incidence of respiratory disease among trainees.

Even sick call may not be of much help. The young man who died of pneumonia was allowed a very short stay at the base hospital and then was sent back to his barracks—where he died within two days.

The facts are serious. So are the reports I have received from the worried parents of trainees about the type of training their sons have been forced to undergo. In light of the facts, these allegations warrant an immediate and extensive investigation, and I again request that you order that an investigation be made.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

Mr. SYMINGTON subsequently said: Mr. President, earlier this morning I was at a meeting of the Committee on Armed Services, which heard for the first time the distinguished Secretary of the Army and Chief of Staff, General Westmoreland. Therefore, it was not possible for me to be in the Chamber when my distinguished colleague, Senator EAGLETON, delivered a short address with respect to the problems we now face at the Army encampment at Fort Leonard Wood in Missouri.

I want to commend my colleague for his logical and constructive interest in this matter. We have had an epidemic of meningitis there, and four tragic deaths.

What the Senator has done guarantees that the matter will be looked into by the Army; and I have already requested, as a member of armed services, that they do so.

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not less than 20 minutes.

CONGRESSIONAL RESPONSIBILITY AND THE HIDDEN POLICIES OF SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, only 10 days ago the Congress received the President's message on U.S. foreign policy for the 1970's. Described by the President as the "first annual report on U.S. foreign policy," it espoused a new "Nixon doctrine." Mr. Nixon described the report as "the most comprehensive statement on U.S. foreign policy ever made in this century."

With regard to Asia and the Pacific, the major theme of the message was that future U.S. policy would be shaped in accordance with the Guam doctrine, first described by the President on July 25, 1969, and later restated in his November 3 Vietnam address.

Summarizing the key elements of his Guam approach, the President made these three points:

First. The United States will keep all its treaty commitments.

Second. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

Third. In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The President said:

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

Yet, today we are waging a serious military operation in Laos. There is no longer any question about that, as the majority leader said here yesterday. It includes the training and direction of local forces and an aerial bombardment running at an estimated rate of 500 sorties daily, although there seems to be some dispute as to the exact level.

We are doing all of this in violation of the Geneva Accords of 1962, and we are doing it—and more—without the knowledge of the Congress and the American people. We have read reports about this in the press over past months, but it is also fair to say that no Member of Congress—certainly not this Member of Congress—knows fully what our operations are in Laos.

How does this square with the President's pledge that we shall keep our international commitments? What has happened to the pledge that we signed at Geneva in 1962 that we would not participate in military operations or paramilitary operations or arms aid in Laos?

I had a discussion with a distinguished member of the press this morning who told me there was nothing in the Geneva agreement that foreclosed the possibility of us granting military aid or participating in military operations if it were so requested by the Government of Laos.

I checked very carefully on the Geneva accords which we signed in 1962 and I find that that member of the press is mistaken.

Article IV of the agreement specifically prohibits military or paramilitary assistance by any outside power in the state of Laos.

Mr. President, I ask unanimous consent to have printed at the conclusion of my prepared remarks the text of the Geneva settlement of July 23, 1962.

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

(See exhibit 1.)

Mr. McGOVERN. Mr. President, I call special attention to article IV to which I find no exception whatsoever in the remaining portion of this document.

How does the roughly $300 million in annual military and supporting military aid we are pouring into this tiny little kingdom square with the President's warning that "if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence?"

An even more serious question is raised by the secretive character of our hidden war in Laos. In his televised foreign policy speech of last November 3, the President said:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

We not only do not know the truth about our heavy involvement in Laos but also we are increasingly in the dark about what is really going on in Vietnam.

The senior Senator from Missouri (Mr. SYMINGTON), who is in the Chamber, has been chairing a special committee looking into these matters. He probably knows more about them than any other Member of Congress. He has discharged that obligation with great care and wisdom, as he always does. But other Members of Congress are increasingly in the dark about what is really going on in Laos, Vietnam, and Southeast Asia. Indeed, the entire Southeast Asia involvement is more and more riddled with confusion and contradiction.

I am grateful for the reduction in our forces in Vietnam which the President made. I credit him for his steps of a deescalatory nature. But I challenge anyone to explain what our present policy really is that distinguishes it strongly from the course we have followed in Vietnam for the past decade. I ask if anyone really believes that our present policy will lead to the disengagement of American forces from Southeast Asia in the next decade.

Three years ago I described our Southeast Asian policy as one of "madness." It is nothing less than that, and it is getting more intolerable. It was bad enough to make the initial blunders that drew us into the Southeast Asian tangle. To continue these blunders under a new public relations umbrella and a policy of secrecy is to mislead the American people.

It has been said that we should forgo further discussion of the issue of Vietnam and Southeast Asia and move on to other issues. But Southeast Asia is a cancer in the American body politic that must be removed before we can satisfactorily confront the serious areas of neglect in our own society and around the world.

It is all well and good to talk about saving our environment—I am all for that—or rebuilding our cities; or ending poverty, poor health care and bad housing; but none of those things will be adequately addressed as long as we are pouring our money, energy, and blood into the caldron of Southeast Asia. There is a special note of irony in the current environmental commotion, in that while we are talking about the crucial issues of ecology and pollution, we are polluting the water and soil of South Vietnam with chemical defoliants. No one can read the scholarly analysis of this biological and chemical campaign in Vietnam, described in depth by Thomas Whiteside in the February 7, 1970, issue of the New Yorker magazine, without deploring the folly that passes for policy in Southeast Asia.

Mr. President, I ask unanimous consent that the article which I have referred to may be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. McGOVERN. Mr. President, if we do not end our military and political machinations in that area soon, I tremble for the future of our society and our place in the world. What we are now doing to the people of Southeast Asia and what we are doing to ourselves is an affront to every principle of decency and commonsense.

I indict our policy in Southeast Asia, first, because we are backing a corrupt, repressive regime in Saigon that does not merit the sacrifice of one American or Vietnamese life. That regime has neither the support nor the respect of its own people. It probably has less integrity, less intelligence, less commonsense, and less reason to exist than the coalition of Vietnamese forces which challenge it.

Two elected members of the South Vietnamese Assembly, Tran Ngoc Chau and Hoang Ho, have recently been sentenced by a drumhead military court for advocating what I advocate—a broadened coalition government in the south capable of negotiating a settlement of the war.

Deputy Tran Ngoc Chau is a retired colonel with the South Vietnamese Army and a former province chief and mayor

of Danang. He wears South Vietnam's most exalted decoration for valor and patriotism. He was elected to the South Vietnamese Assembly by his own people. He has been supplying valuable material to the American CIA. Yet, because the Thieu-Ky regime feared his political independence, they convened a five-man military trial, and after 35 minutes of "deliberation," condemned him to 20 years in jail. A second deputy, Hoang Ho, was sentenced to death on a similar charge, but he avoided capture by fleeing the country and some 20,000 people of the best political skill in South Vietnam have done the same thing.

The runnerup presidential candidate in the 1967 election, Truong Dinh Dzu, has been in jail ever since the election—and will stay there for another 3 years—for the same crime of advocating a broader political base in South Vietnam and a negotiated end of the war.

The Thieu-Ky regime, which we claim to be backing in the interest of self-determination, actually stays in power only because we hold it in power. It jails or exiles its critics, bans its newspaper opponents, and rejects any suggestion of broadening its own political base.

There are an estimated 30,000 political prisoners in Vietnam—mostly non-Communists—with views toward ending the war approximately like the congressional critics in our own country. An equal number have fled Vietnam. A much larger number doubtless belong to South Vietnam's silent but sullen majority.

Indeed, most of the indigenous, competent leadership of South Vietnam is either in these dissenting, jailed, or exiled groups—or with the National Liberation Front.

Many thoughtful non-Communist people have turned in despair to the National Liberation Front because they found no other viable alternative, not because they wanted to endorse the Communist ideology.

The constituency of the Thieu-Ky regime are the opportunists, the military adventurers, the black marketeers, pimps and prostitutes, and others who profit from this regime—plus the enormous American military and economic presence that subsidizes and supports that regime at the expense of the American people.

Let me say flatly: There will be no peace in Vietnam and no end to our involvement until we loosen our embrace of the Thieu-Ky regime. That regime will never be accepted by the people of Vietnam, and as long as we insist on keeping it in power, we will have to stay there to hold it in power. We say we must stay in Vietnam to preserve self-determination; but we are really there for precisely the opposite reason: to prevent self-determination.

Such a policy is not in our national interest. Our interest is in encouraging the emergence of a broadly representative coalition in Saigon that is capable of negotiating a settlement of the war with the National Liberation Front and Hanoi. That process could begin overnight, if we would relax our grip on General Thieu and let indigenous political forces begin to form in South Vietnam.

My second indictment of our policy in Southeast Asia is that we are waging a secret war in Laos which is repugnant to the principles and security of a free society. It is absolutely incredible that a great nation such as ours could be conducting a major military operation in a foreign country without the knowledge of either its citizens or its Congress. But that is the fact. In spite of the painful lessons of Vietnam, we are going down the same road in Laos, and we are doing it in secret.

Laos is a kingdom of less than 3 million persons and about the size of Oregon. Its people are 95 percent rural. They are an easygoing, congenial people who want little more of life than a chance to grow some rice, catch a few fish, tend their huts, and rear their families. But for many years we have been trying to convert them into a powerful, modernized military bastion to turn back some kind of great imaginary Communist combine involving Russia, China, Hanoi, and the Pathet Lao. This enormously costly and foolish effort, which we have financed and directed, has been enough to have killed, wounded, or made homeless a third of the 3 million population.

Having done much to build up one group of Laotians to fight the others, we have discovered that "our" Laotians do not very much relish the fight. The consequence has been more and more American airpower, American advisers, and CIA operatives. All of this has been regarded as such delicate stuff that it was not proper to tell either the Congress or the American people about it.

Our Government and the Laotian Government have a deliberate policy designed to prevent either the press or the Congress from learning the nature and extent of American involvement in Laos. Reporters are carefully prevented from reaching northeastern military region II, where most of the American military activities are occurring. The planes which could take Americans there belong to Air America or Continental Airways—private companies chartered by the CIA and AID. It requires clearance from the American Embassy in Saigon for reporters to board these planes, and that clearance is not given.

Writing in the March 1, 1970, Washington Star, Tammy Arbuckle reports that Central Intelligence Agency and American military are warned that if a correspondent does show up in their area, they are to disappear. "You should have seen this place empty when they heard the press was coming," an American said while relating one such incident.

"These CIA people consider the American public as enemy No. 1, I think even worse than Hanoi," an American staffer at Vientiane told reporter Arbuckle.

It is both ironic and highly disturbing that while American newsmen are being blocked from reporting the news in Laos, the Vice President and other administration spokesmen have sought to intimidate critical press reports and commentary in our own country.

But in spite of efforts by the administration, the military, and the CIA—and this is not a partisan judgment; these things have been going on in previous administrations—to wage a secret war in Laos, certain alarming facts are now beginning to emerge.

It appears that we are carrying on B–52 and tactical bombing raids in Laos that are comparable to or greater than the raids over North Vietnam at their heaviest—raids in clear violation of the Geneva accords of 1962 brought about to a great extent through the able diplomacy of Averell Harriman. There is no way that that accord or document can be interpreted as a legal cover for this aerial bombardment.

To say that North Vietnam is also guilty of international violations is to say that we will set American policy according to the illegal standards of others. Furthermore, as Senator MANSFIELD has reminded us:

> There are other signatories of the accord. Have the others immersed themselves in the war? Has the Soviet Union? The United Kingdom? France? Indeed, has China?

It seems clear that we invited the recent Communist offensive in the Plaine des Jarres by encouraging an American trained, equipped, and directed Laotian army to seize this area last September, thus upsetting a more or less stable military line that had existed for several years. There is growing evidence that the CIA and American military personnel—apparently in civilian garb—are directing Laotian military operations.

Defense Secretary Laird has said that the President will not send American combat troops to Laos without asking for permission from Congress. I suppose we should give thanks for small favors. But it is a measure of how far we have permitted the constitutional responsibility of the Congress to deteriorate when we accept such a condescending assurance as satisfactory. It is not satisfactory at all; it is an outrage.

The Constitution places in Congress the power to declare war. This is not something the President should regard as a courtesy to be extended at his discretion. Furthermore, why does anyone suppose that conducting massive air raids over Laos at a rate of several hundred sorties a day is not war? Sending American planes and pilots to bomb a foreign country is as serious an act of war as an attack with forces on the ground. It may not be as unpopular in domestic American politics, but it is definitely an act of war.

If Congress is to recover its constitutional responsibility and regain public confidence, we had better assert without delay our control over the unofficial and unknown war now raging in Laos and the undeclared, seemingly endless war in Vietnam. Both of these wars should be ended now. At the very least, we should take the time and make the effort to learn what the CIA and the military and the President are up to in Southeast Asia.

Mr. President, some 2 years ago I wanted to ask for a closed session of the Senate to discuss this matter and our overall involvement in Southeast Asia. I

was persuaded not to make that request at that time, on the grounds that this is a matter that ought to be discussed openly. But we are told that this is classified information. The Senator from Missouri (Mr. SYMINGTON) has had great difficulty in getting clearance from the executive branch to release the information that he has.

With that thought in mind, I would like to suggest something that I believe has been on the minds of other Senators.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I ask unanimous consent to proceed for 1 additional minute.

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

Mr. McGOVERN. Toward that end, I would suggest as a first step that the Senate be given a full report by the administration of what we are now doing in Southeast Asia. Since the administration regards this as classified information, a closed session of the Senate should be held to hear this information, if it is classified, to be provided either directly by the administration or through the Foreign Relations Committee, chaired by Senator FULBRIGHT, and the special subcommittee chaired by Senator SYMINGTON. The Senate should then discuss whether the policy is in our national interest, and in any event should fully inform the American people as to the nature and operation of that policy. Any policy which cannot stand the light of day and the judgment of the American people is a policy we should not be pursuing.

Whether you agree with our involvement or not, at least we ought to know where it is, where we are heading, and what is involved.

The truth is not always easy or reassuring, but it is the essential foundation of a free society.

Mr. President, I ask unanimous consent to insert in the RECORD several other articles relating to our involvement in Laos.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

EXHIBIT 1

DECLARATION ON THE NEUTRALITY OF LAOS, JULY 23, 1962[1]

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961–62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"THE ROYAL GOVERNMENT OF LAOS,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos, Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognize the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to those principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasising the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that—

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred

[1] Treaties and Other International Acts Series 5410.

and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol—

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign miliary personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necesary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are national in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration of the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease-fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease-fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this Protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos. It shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in sub-paragraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Governments of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairmen shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairmen shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Republics, which shall furnish certified copies thereof to the other signatory States and to all other States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

[From the New Yorker, Feb. 7, 1970]

EXHIBIT 2

A REPORTER AT LARGE: DEFOLIATION

(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962 following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Veitnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the New York Times, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon, Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nonetheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased fivefold to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese cropgrowing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in official United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University of Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United States Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be shortlived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites comonly used mixtures containing 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one percent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products, it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Detrick. While homeowners were using herbicidday mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations. The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters and of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by micro-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for ninety-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a susbtance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C–123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually several spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion, military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam, when they refer to it at all as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, "escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed area "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beri-beri, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the (crop-destruction) program is continued, (the) problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes' crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command; one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at variosu levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications with such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor:*

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been "set in cement."

"The real burden of proof has long since shifted from the positive one of justfying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anticrop and 'nonlethal' antipersonnel chemical weapons in Vietnam" constituted "dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end

of that year, Dr. Edsall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signatures of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistent critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails and formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested." He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American military advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

"It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibly damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Some (mangrove areas) had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

"Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil. . . .

"Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amenable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture."

Dr. Fred H. Tschirley, assistant chief of the Crops Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations." Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia had been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce. These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridge, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rats that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridge statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based. This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridge statement, a journalist who was attempting to obtain a copy

of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated quesions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5-T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a large one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Advancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5-T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5-T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5-T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5-T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her. Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Mr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends, Dr. Meselson obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5-T, in the hope that some new restriction would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5-T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5-T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5-T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5-T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

"The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

"Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5-T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and the Interior, in their own programs, would

stop the use of 2,4,5-T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5-T, the statement said, "The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5-T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5-T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." He went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5-T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize [it] as *probably dangerous*." The report also found 2,4-D "potentially dangerous but needing further study." As for 2,4,5-T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5-T to another species:

"Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5-T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality (almost 80 percent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used. . . .

"It seems inescapable the 2,4,5-T is teratogenic in this strain of rats when given orally at the dosage schedules used here."

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5-T used in Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5-T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T" also appears to be worth examining for this is precisely what many biologists are most worried about in relation to 2,4,5-T and allied substances.

It seems fair, before going further, to quote a cautionary note in the DuBridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5-T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides. However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughlin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5-T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5-T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Sciences found them statistically "significant," and this is the real purpose of such a study: it is meant to act as a coarse screen to shake out of the data the larger lumps of bed news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5-T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all these tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5-T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in *both* mice and rats underlines the seriousness of the study's implications. In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rats *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5–T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and

racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5–T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5–T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5–T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5–T in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5–T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5–T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to oneone lulled by prior allegations that 2,4,5–T is a substance of low toxicity:

"Caution—may cause skin irritation, avoid contact with eyes, skin, and clothing keep out of the reach of children."

Under the word "warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "notice":

"Seller makes no warranty of any kind, express or implied, concerning the use of this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not."

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5-T per acre. In Vietnam, however, the concentration of 2,4,5-T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5-T have averaged *thirteen times* the recommended concentrations used in the United States. The principal route through which quantities of 2,4,5-T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5-T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5-T a day; that is, a daily oral dosage of three milligrams of 2,4,5-T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5-T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats. To pursue further the question of exposure of Vietnamese to 2,4,5-T concentrations in relation to concentrations officially considered safe for Americans, an advisory subcommittee to the Secretary of the Interior, in setting up guide-lines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5-T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5-T in two litres of water a day would be exposed to 2,4,5-T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas is not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the University of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other accidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load. "This rained down a dose of 2,4,5-T that must have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use. In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and the Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5-T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington *Post* reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The *Post* article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.'"

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation,"

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part *because* of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5–T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5–T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5–T, when fed in large amounts to highly imbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the miltary establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulators to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth

regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and the other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the baffingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on "These compounds include herbicides that kill or inhibit the growth of plants; plant-growth regulators that either regulate or inhibit plant growth, sometimes causing plant death. . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers. Three years ago, Dow was obliged to close down its 2,4,5-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin contamination present in 2,4,5-T varies from manufacturer to manufacturer. What degree of contamination high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids used in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5-T remained in the harvested corn and were concentrated into certain byproducts that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the system of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5-T may not be the only material in which it appears. Among the compounds that several experienced biologists and toxicologists suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5-T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5-T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumers products. Since the production of dioxin appears to be associated with high-temperature conditions, a question arises whether these thermal condtiions are met at *any* stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material into the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks is borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit *this*, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts. In that time, the military has sprayed or dumped on Vietnam *fifty thousand* tons of herbicide, of which twenty thousand tons have apparently been straight 2,4,5-T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5-T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5-T, although they refuse to divulge how much 2,4,5-T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5-T, which they are now doing. The Monsanto Chemical Company, another big producer,

had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers. The first tests to determine the teratogenic efforts of 2,4,5-T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said, like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5-T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a teratology panel of the Mrak Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered." In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

EXHIBIT 3

LAOS 1: NEW ROUND IN A POCKET WAR

(By Henry Kamm)

VIENTIANE, LAOS.—Last September the Government forces in this divided country scored an unexpected spectacular military success: They drove the North Vietnamese invaders and their feeble local client, the Pathet Lao, from the Plaine des Jarres, a strategic region in the mountainous north that had been held by the Communists since 1964.

The mood in Vientiane then was one of elation, the more so since the surprise victory followed a Communist dry-season offensive that had moved the Communists further westward than they had been in previous campaigns. The war in Laos has followed a pattern of North Vienamese advances during the dry season, to be abandoned when the summer rains make supply and support of the troops impossible.

But even in their elation, Laotian officials and the Americans, whose aerial bombing and logistic support and tactical counsel are the sine qua non of resistance to the invasion, said that no doubt the territorial gains of the summer would be erased when the Communists returned to the offensive early in 1970.

This is what happened in the last two weeks. The Government forces, following American counsel not to put up a great struggle, withdrew from the plain as the Communist offensive got rolling. They withdrew with minimal losses and in reasonable order. Thus, the situation in Laos last week was back to where it was last summer, with the Communists in command of the plain that controls the country's major roadways.

The Communist forces were said to be consolidating their gains. They have retaken positions they held last June, and they have two or three more months of favorable weather for what ever military action they may decide to take.

But they have also to contend with the fact that in their hasty retreat from the Plaine des Jarres last September they left behind great stocks of supplies spread in caches throughout the plain that sustained their operations. These supplies were lost, and the plain has to be restocked under heavy American bombardment of their main route of supply.

Reports, not denied by the United States, have circulated of the use of the big B–52 bombers on two occasions. The American bomber, which has been used to pound the Ho Chi Minh trail in eastern Laos bordering South Vietnam, had not previously been committed in northern Laos.

NOT CRITICAL

The situation, in the view of Laotian and American military sources as well as uninvolved experts, is difficult, as it is every year at this time, but not critical. And yet, the United States and other countries of the West show signs of alarm, and speak of the likelihood of American escalation and the possibility of the commitment of American ground troops. Reporters from all over the world flock here to discuss around the swimming pool of the Lane Xang Hotel the sometimes conflicting briefing of meager military action by Laotian and American officials. Meanwhile, the Laotian Chief of Staff went to a royal wedding in Nepal this weekend and the people of Vientiane yawn and complain that the hot season seems to be early this year.

Viewed from Vientiane, the excitement seems overblown and the result of a long and angry debate focused on a false issue. No serious observer here believes that the North Vietnamese will go far enough to raise the issue of a commitment of American ground forces—or that America could do in Laos what she is being pressed to undo in Vietnam.

HEAVY BOMBING

The United States is countering the North Vietnamese invasion of Laos, a violation of the Geneva Accords of 1962, with heavy bombing and a dominant position in equipping and counseling the Government forces, regular and clandestine—equally in violation of the 1962 agreement. The United States feels that since North Vietnam does not admit its invasion, it would give Hanoi a negotiating advantage in conceding the American riposte.

The controversy engendered in the American Congress and press by this policy of secrecy is regarded by independent observers here as stemming from two causes: concern over so obvious a departure from the American tradition of informing the public on what the Government is doing, and fear that the secrecy cloaks developments which may be drawing the United States into another Vietnam. This fear, however, in the opinion of knowledgeable sources here, is based on an exaggerated view of North Vietnam's objectives in Laos.

The North Vietnamese, as these analysts see the situation, have shown no indication that their aim in Laos, as distinct from South Vietnam, is to take over a country. Their aim is thought to be twofold:

In southern Laos, Hanoi's objective is to control the region of the Ho Chi Minh trail, the vital lifeline from North Vietnam to its forces and the Vietcong in South Vietnam. The Government of Premier Souvanna Phouma recognizes this goal and has said it will not interfere with this aspect of the war in Vietnam.

PLAN IN NORTH

In northern Laos, Hanoi seeks to maintain sufficient pressure in support of the Pathet Loa to prevent the power vacuum of this feeble and uncohesive country from being filled by an anti-Communist government. In conversation with friendly diplomats, North Vietnamese officials have emphasized that they will never accept a Laotian government they cannot trust.

How far Hanoi's aims will eventually reach, no one professes to know. But serious observers are convinced that while North Vietnam remains at war with America and the South, it will not challenge the world with open take-over of a neighbor that offers it no advantages and is difficult to occupy. The belief here is that the North Vietnamese offensive will end with limited gains and will lead to no significant escalation by either side.

The pity of the argument centering on the chance of escalation, in the eyes of observers whose principal concern is the people of Laos, is that it beclouds the tragic fact that the present level of hostilities is enough to have killed, maimed or made into constantly shuffling homeless as much as a third of a population estimated at three million.

[From the Columbus Citizen-Journal, Feb. 27, 1970]

THE HIDDEN WAR IN LAOS

(By James Reston)

WASHINGTON.—In his definitive foreign policy speech of last Nov. 3, President Nixon said: "I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

Well, you can say that again about Nixon and his policy in Laos. He has withheld the truth about important United States military operations in that country. As he is deescalating the war in Vietnam and claiming a lot of credit for it, he is escalating the war in Laos and refusing to release the facts about it.

The result is that the President, and the United States Senate, are now arguing about U.S. military actions well known to the enemy in Laos, but officially withheld from the American people. In fact, State and Defense Department officials have testified in executive session about what our "advisers" and airmen are doing there, but they have claimed executive privilege on this testimony, and have refused to release it to the public.

All the Nixon Administration has conceded publicly is that it has certain "advisers" in Laos and has authorized high-level bombing of part of the enemy's supply trail that runs from North Vietnam through Laos into South Vietnam.

In addition to these high-level bombing raids, however, U.S. airmen have been flying fighter support missions for the Laotian army in the Plaine des Jarres and even closer to the North Vietnamese and Chinese borders, training the Meo mountain tribesmen to fight the North Vietnamese and the Laotian Communists, and according to some senators, concealing the identity of the American military assistance by transfer-

ring regular armed services personnel to the Central Intelligence Agency, and assigning military supply missions to nonmilitary U.S. private airline carriers.

It should be noted that a great deal of information about U.S. military action there has been printed. The main issue is not so much about the facts, but about the right of the Administration to try to conceal the facts, and to suppress the facts even after its own officials have confirmed them in private congressional committee hearings.

Here, for example, is an exchange between Sen. Barry Goldwater of Arizona and Sen. Stuart Symington of Missouri in the Senate on Feb. 25:

"GOLDWATER. Does the senator mean that the United States has troops in combat in Laos?

"SYMINGTON. It depends on a definition.

"GOLDWATER. I mean Americans engaged in fighting on the ground.

"SYMINGTON. I am not in a position to answer any questions . . . in open session at this time . . . because the transcript has not been released as yet on any meaningful basis.

"GOLDWATER. The reason I ask is that it has not been any secret that we have been flying fighter support missions in support of the Laotian army up on the Plaine des Jarres. The senator, I know, has known about that for a long time. If the information is classified, I will not press the point."

The point of this exchange is that the information about U.S. fighter support was in fact put on a "secret" basis so far as the Administration was concerned. Symington, of course, knew it was a fact but was not free to discuss it until Goldwater blurted out the truth.

There was another sharp debate in the executive meeting of the Senate Foreign Relations Committee Thursday over this same issue of what information senators have the right to request and what information the executive branch has the right to withhold. During a private interrogation of William J. Porter, who has been nominated as Nixon's ambassador in Korea, Chairman J. William Fulbright asked about the implications of deploying U.S. nuclear weapons in that part of the world.

Porter replied that he had been instructed not to discuss this question even with members of the Foreign Relations Committee in secret session. Fulbright observed that in 25 years he had never had such a reply during a confirmation hearing and demanded to know who had so instructed the ambassador. All Porter would say was that he had been instructed "on higher authority." This was something new, the chairman observed: "Was the ambassador taking the Fifth Amendment?"

What is happening, in short, is precisely what Nixon himself warned against in his Nov. 3 speech. Members of the Senate are losing confidence in what the Government is telling them about Laos, members of the press on the scene are being condemned for reporting what they see, and the President and the Foreign Relations Committee are getting into a nasty confrontation over the constitutional question of what information can be withheld, released, or suppressed.

"The American people cannot and should not be asked to support a policy which involves the over-riding issues of war and peace," the President said, "unless they know the truth about that policy." Maybe they should not, but they are in Laos, and the President knows it.

[From the Washington (D.C.) Evening Star, Feb. 25, 1970]

TWO VIET DEPUTIES "GUILTY"; ONE APPEALS TO NIXON

(By Donald Kirk)

SAIGON.—A military court today officially ended the case of two National Assembly deputies accused of aiding the Communists by sentencing one to death and the other to 20 years in prison.

It was clear immediately after the five-man court passed the sentence, however, that the politically combustible case was far from over.

One of the deputies, Tran Ngoc Chau, appealed to President Nixon to intercede and promptly began what turned out to be a day-long press conference in his office in the assembly building. He challenged police to "come and get me."

U.S. CASUALTIES CITED

Chau was sentenced to 20 years in prison, for secret contacts with his brother, now serving a life sentence for his activities as a Communist intelligence officer.

Chau said police would have to "capture me with bayonets and other weapons and beat me until I'm unconscious" before he would leave the assembly building.

(Chau, 46, said he sent a plea by cable to President Nixon to intercede in behalf of himself and other Vietnamese politicians, in jail, the Associated Press reported.)

("For these liberties you take for granted, 40,000 of your sons and over 200,000 of our sons have died," he told Nixon. "Let not their sacrifices be in vain.")

Only a single guard watched outside the assembly, an old French-built opera house in the center of Saigon, while Chau, dressed in a blue short-sleevd shirt and black tie, talked to reporters in the office of the deputy speaker.

Police were forbidden by law from arresting him inside the building without an order from the speaker of the House.

Although police eventually might capture Chau, it appeared unlikely the government would ever be able to carry out its sentence against the other deputy, Hunyh Van Tu, generally known by the alias of Hoang Ho, who was sentenced to death.

Ho's wife explained her husband had left a note in his house saying he was "going abroad to a free country." Ho was convicted of treason on charges of having given classified information to a senior Communist leader and having formed the "Association of Patriotic Newspapermen," a Communist front.

The entire case amounted to a test of power for the government of President Nguyen Van Thieu, who insisted on prosecuting the charges against the wishes of the American Embassy and opposition politicians, many of them afraid to voice their feelings.

OBJECTIONS IN PRIVATE

The reason American officials objected—in private, never publicly—was that Chau had provided information to American agents while serving several years ago as chief of the Upper Delta province of Kien Hoa, still heavily influenced by local Viet Cong guerrillas despite gains in the past year in the allied pacification program.

The indictment said that Chau had informed American agents—probably representatives of the Central Intelligence Agency—of meetings with his brother, Capt. Tran Ngoc Hien, but had never told his South Vietnamese superiors.

In interviews with reporters in his home here, Chau has charged both U.S. officials and Thieu "betrayed" him by not blocking the government's case. "I am no Communist, I am a genuine nationalist fighting for the cause," Chau reiterated today after the 20-minute trial.

Besides reflecting on American-Vietnamese relations, the case symbolized the question of the power of the executive branch of the government here as opposed to the National Assembly. The accused deputies were immune from prosecution under the Constitution until 102 deputies signed a petition waiving that immunity.

Chau claimed some of the deputies were "bribed," said he would appeal to such organizations as the International Parliamentary Union, the International Human Rights Commission and the International Association of Lawyers.

At the bottom of the government's distaste for Chau and Hoang Ho is that both of them appear sympathetic with moves for compromise to end the war. Thieu has repeatedly indicated his government will resist a coalition and fight to the end.

Chau made clear today his views had not changed. He urged Thieu to "cooperate with opposition leaders, reconcile with Buddhists, build a genuine nationalist force capable of extricating South Vietnam from the clutches of the Communists and heavy dependence on foreign countries."

VIEWED AS NEUTRALISM

This statement might not appear pro-Communist in itself but government officials view it as an appeal for a "neutral" foreign policy. They believe neutrality would play into the hands of the Communists, who also call for a "neutral" position.

The case of Chau follows a series of widely publicized government efforts at stifling neutralist opposition and preventing contacts with the enemy.

A military court late last year sentenced four former government officials, among others, for having masterminded a Communist spy ring.

Chau's brother also figured in the arrest and conviction last year of Nguyen. Lau, editor of the Saigon Daily News, an English language newspaper shut down by the government.

Lau was accused of providing Chau's brother with press credentials and introducing him to contacts in Saigon from whom he hoped to obtain intelligence secrets.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senate will now proceed to the transaction of routine morning business, in which statements of Senators will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, before the morning hour starts, I ask unanimous consent that the time of the Senator from South Dakota be extended for a minute or two, so that I may make a comment.

Mr. SYMINGTON. Mr. President, reserving the right to object, I ask unanimous consent that the time be extended 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from South Dakota is recognized for 5 additional minutes, in continuation of his previous order.

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

Mr. McGOVERN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I compliment the Senator on a very thoughtful speech. I agree with practically everything the Senator has said.

With particular reference to the question of the information which the Senate has and the participation of the Senate in decisions for proceeding in Laos, of course, I have a very special interest, as I know the Senator from Missouri has. The Senator from Missouri is on the floor and, of course, will speak for himself about the difficulties his subcommittee has had in obtaining the release of the hearings which have been held about Laos.

I only wish to say to the Senator that I think he has made a great contribution, and as far as I am concerned, I

am very anxious to follow on with this, with the information from the subcommittee of the Senator from Missouri, and also additional information, I would hope, and additional advice, from the administration itself. I shall request this week, or as soon as I can, that we have further consultations with the administration preparatory to a discussion of this matter on the Senate floor. Unless this material is made available, I do not see any alternative to a secret session of the Senate.

I would be interested, myself, in seeing the Senate discuss this matter in secret session, because it is of such importance that it ought to be discussed.

Mr. McGOVERN. I think the Senator has considered that matter for some time. He mentioned it to me the other day.

Mr. FULBRIGHT. I have. I have the feeling that we are at one of those periods not unlike the period in August of 1964, and later the follow-on period in February of 1965, in which we got involved in Vietnam. At that time the maneuvering of the administration was such that, because of my lack of foresight and that of others—because no one foresaw it—we did not have a proper discussion of what was involved.

I shall do everything I can, in cooperation with the Senator from South Dakota, the Senator from Missouri, and others, and the leadership of the Senate, to see that this time, whatever the result may be, it will be discussed by the Senate, and that the Senate, and I would hope the country, is informed of what is involved. If, then, they make a decision to go down that road, that is their privilege, but we should never again permit a decision of that kind to be made without knowing what is involved, under a misapprehension or false information as to what is involved.

I commend the Senator from South Dakota on a very significant speech.

Mr. McGOVERN. I thank the Senator. I think he and the Senator from Missouri (Mr. SYMINGTON) know more about this problem than the rest of us do, and that they, in consultation with other Senators, are the ones who should make the judgment as to whether it would be useful to request a secret session.

I do not feel that I am in as good a position to make that judgment as the Senator from Arkansas and the Senator from Missouri, but I know some of the things that must be on their minds, and I would hope, if we cannot obtain release of the material that Senator SYMINGTON's subcommittee has compiled, that at least the other Members of the Senate will have the opportunity to discuss it in a closed session, and then make some judgment about what other steps should be taken.

Mr. FULBRIGHT. One last word. The Senator from Missouri has done an outstanding job in the conduct of the hearings of the subcommittee. He has an excellent staff, and has given countless hours to the hearings on that matter. It would be a great tragedy if those hearings are not made public and the Senator from Missouri is not given the opportunity, in the Senate, and I would hope in a public session of the Senate, to go into this matter.

Mr. McGOVERN. I could not agree more. I think what the Senator from Missouri has been doing may turn out to be one of the most important investigations ever conducted in the history of the Senate.

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

Mr. McGOVERN. I yield.

Mr. SYMINGTON. First, I thank both the distinguished Senator from South Dakota and the able chairman of the Committee on Foreign Relations for their kind remarks.

Let me at this time commend the majority leader for his talk on Laos yesterday, which I did not have the privilege of hearing but read in the RECORD this morning, and I also commend the distinguished Senator from South Dakota for his outstanding presentation today of this Laotian problem.

Our subcommittee effort started largely as the result of Senators on the other side of the aisle bringing up the importance of tailoring our military establishment, justifying its size, to our commitments.

As a result, I went to the able chairman, the Senator from Arkansas, presented the problem, and he agreed an investigation of foreign commitments would make sense. So for over a year we have been trying to find out what are our commitments, what is the truth, the importance of which the Senator from South Dakota pointed out so well this afternoon.

I must add, in all sincerity, that we have had excellent support from the Department of Defense in attempting to find this truth. Where we have run into trouble is with the Department of State. For some reason, that Department apparently does not want to bother with the Senate Foreign Relations Committee. I have come to this conclusion after serving on many other Senate committees, and think it not only a denigration of the Committee of Foreign Relations and all its members, but also of the Senate itself. I have never seen anything like this before in all my years in Government.

Inasmuch as the Committee on Foreign Relations is one of the great committees of the Senate, it obviously shows some form of contempt for the Senate. We do not get answers to our letters for many weeks. We completed these Laos hearings over 4 months ago; and to date have gotten nowhere from the standpoint of a meaningful release of their contents. I have an article here, which I ask unanimous consent to have printed in the RECORD at the end of my remarks. It is entitled "Laos: What United States Is Doing," written by George Sherman, and published in the Washington Sunday Star of March 1, 1970.

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

(See exhibit 1.)

The PRESIDING OFFICER. The time of the Senator from South Dakota has again expired.

Mr. SYMINGTON. I ask unanimous consent to proceed for 5 minutes.

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

Mr. SYMINGTON. This article by Mr. Sherman has in it much information that in our hearings has been tightly classified by the Department of State. It was obviously given to this reporter by someone in the executive branch. In addition, considering that 4 long months have gone by, it has events in it which we were not told in executive session, no doubt because they had not happened at the time we had our hearings.

I have been to Laos many times. Some of the things I was told we were told later in the hearings; but other activities we were told about in the hearings I was not told about out there, even though I am a member of both the Armed Services Committee and the Foreign Relations Committee, and went into Laos on that basis. It was information kept from me in Laos, just as it is being kept from the American people today.

This matter has nothing to do with politics. It is simply a question as to whether or not the Senate of the United States, under the "advice and consent" clause, does or does not have anything to do with foreign policy.

If it does, then the way the State Department has operated has been effective in blocking the truth from other Members of the Senate and the American people; information by the people in just about all the other countries of the world. I am sure that the distinguished Senator from Arkansas will agree to that, because we constantly get accurate information from newspapers in Hong Kong, in Paris, in London, in Bangkok, and so forth. One can only wonder why the Government of the United States has refused over a period of years to give us the truth with respect to Laos.

I am surprised that apparently the new administration not only does not want to renounce the obvious Laotian errors that were made in the past, but now seems to want to embrace them and carry them on.

I might add that this is not a question of what the subcommittee can or cannot release. It is being released in bits and pieces by the executive branch; at the same time they deny us the right to release it through the Foreign Relations Committee.

One final point: the Senator brought up in his talk the importance of the Geneva accords. There is only one possible reason we can continue to violate those accords. It is not a violation of security to say that the reason given us in committee is that we violated the Geneva accords because the North Vietnamese first violated those accords.

If that is the reason why we are in Laos, then why is it so important to keep it all so secret? It is the only reason we can justify killing the enemy up there, and also some of the civilian population, through bombing, way up in North Laos, closer to the Chinese border than the Ho Chi Minh trails. It is the only way we can justify to the American people why we think it is necessary, in the interest of the security of the United States, to have their sons killed in action in Laos.

Mr. McGOVERN. As a practical matter, does not the Senator think it is important for us to remember that countries other than North Vietnam and the United States signed the Geneva accords, and that the rest of the countries are generally abiding by it? Is there any evidence that Britain or France or Poland or even Russia or China are heavily involved in Laos?

Mr. SYMINGTON. No, I do not think there is any such evidence.

Mr. McGOVERN. So that we have some responsibility to the other countries. It is not just a matter, is it, of trying to gear our conduct according to what the North Vietnamese do? We are a member of the family of nations and presumably ought to be concerned about how our word is evaluated in other countries, especially those with which we jointly signed the Geneva settlement of 1962.

Mr. SYMINGTON. Mr. President, I close by again commending the distinguished Senator from South Dakota for, as he has done before, urging that the American people now be cut in on this war we are waging in Laos. The people have the right to know.

Mr. McGOVERN. I thank the Senator for his kind words.

EXHIBIT 1

[From the Washington Sunday Star, Mar. 1, 1970]

LAOS: WHAT THE UNITED STATES IS DOING

(By George Sherman)

Washington sources revealed yesterday more details on the United States' involvement in the secret war in Laos and its direct tie to the war in Vietnam.

According to these sources, upwards of 200 combat sorties a day are being flown by U.S.-marked planes against North Vietnamese armed forces which have overrun the Plain of Jars and threaten the military and political balance in Laos.

More than 200 other air missions are flown against the Ho Chi Minh infiltration trail farther south through the 125-mile jungle panhandle of Laos from North to South Vietnam. In all, there are from 400 to 500 sorties of U.S. Air Force planes over Laos every day.

According to these sources, U.S. B52s flew missions for two successive days over the Plain of Jars, "around" Feb. 17 and 18. The raids, which have provoked charges in the Senate of escalating U.S. involvement in Laos, were approved directly by President Nixon, the sources say.

They also say that the attacks did not accomplish their purpose—stopping the drive of parts of two North Vietnamese divisions of nearly 16,000 men—across the Plain of Jars. The claim is that the political decision to use the strategic bombers was delayed too long in Washington, despite advance warning of North Vietnamese moves.

Also, the sources say, by the time the U.S. commander in Vietnam, Gen. Creighton W. Abrams, ordered the B52 raids, the North Vietnamese forces "grouped" in the rolling Plain of Jars had vacated their sites. Abrams is said to give priority to B52 raids against enemy concentrations in South Vietnam and truck convoys along the Ho Chi Minh trail, since they are more directly related to American ground fighting—and lives—in the South.

According to the sources, the U.S. ambassador in Laos, G. Murtrie Godley, asked for as many sorties as possible—not just B52 raids—when it was clear early this month that the North Vietnamese were massing for a major offensive. The request went to Abrams, who relayed it to Hawaii to Adm. John S. McCain, commander of U.S. Forces in the Pacific, and from there to Secretary of Defense Melvin S. Laird and the President.

Under the presidential decision, the B52 raids were limited in scope and time. There was not the saturation bombing many observers predicted when U.S. aircraft, working with the Laotian government, evacuated 18,000 persons from the Plain of Jars early in February.

Also in the present scheme B52 raids in the Plain of Jars—which have never been officially announced—must be ordered directly by Washington. Decisions on raids along the Ho Chi Minh trail against highly selected targets, and in South Vietnam, are left to Abrams.

TRIBESMEN FLY

The present rate of 200 sorties a day around the Plain of Jars represents a jump from 30 a day at the beginning of the enemy offensive, the sources say. The raids are usually conducted with a Meo tribesman riding behind the pilot to point out enemy caves.

According to the sources, there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail.

Sources here say the plan is to work out a more flexible plan for rationing the use of air power—the strategic B52s and tactical planes—between Laos and South Vietnam. The matter of priorities and coordination is believed to have been high on the agenda of a series of top-secret conferences in Saigon Thursday and Friday.

The top military men and diplomats dealing mith Southeast Asia—U.S. ambassador to South Vietnam Ellsworth Bunker, U.S. ambassador to Thailand Leonard Unger, as well as McCain, Abrams and Godley—were there.

Sources here and reports of the meetings from Saigon confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam. Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

MOVE TO SOUTH

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government "neutralist" forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

EFFORT DOUBLED

At the moment, these sources say Hanoi is already mounting a massive new supply effort along the Ho Chi Minh trail—even with heavy U.S. air raids. It is double what it was last year at this time, the sources said, and may be preliminary to another big enemy offensive.

The amount of supplies being moved south has gone straight up since the dry season began in October and is expected to continue to climb until the May rains come.

According to these sources, the North Vietnamese put into the trail, at the northern entrance in the Mu Gia Pass, an average of 700 trucks a week during the first three weeks of February. An average of 350 a week—each carrying 4 tons of supplies—was able to reach the southern terminal in the Ashau Valley. In the week ending Feb. 17 American planes are reported to have taken out 495 trucks—90 percent of them at night. But 442 trucks still got through that same week.

The North Vietnamese maintain special logistic and antiaircraft forces along the trail—in addition to the estimated 65,000 combined fighting and supply forces conducting the campaign in the north. They have tried to establish some Soviet-made ground-to-air missiles, but the jungle terrain makes these SAM weapons difficult to operate.

Nevertheless, officials say, American plane losses over the Ho Chi Minh trail reached the point in mid-February where sorties had to be turned away from truck convoys and against antiaircraft installations for three days one week. In November, American plane losses were 18, in December 16, in January 15 and in February 14.

The American bombing has been so successful, it is claimed, that Soviet trucks have become a leading import for the war effort into Hanoi.

According to these sources, the Soviet Union is sending 160,000 tons—about 30 shiploads—of supplies and equipment a month into Haiphong harbor.

They say that 75 percent of all North Vietnamese military imports—including those from China and the Soviet Union—come by sea, 25 percent by land over the railroad from China, but that no major Soviet items are sent by land because of Chinese pilferage in transit.

The major problem facing the Nixon administration is how to counter this coordinated drive in Laos and South Vietnam without becoming "over involved."

Sources note that the limited use of air power in Laos on the Ho Chi Minh Trail—admitted by the President—is the first test of the "Nixon doctrine" for lessening American involvement in Asian wars.

Secretary of Defense Melvin R. Laird repeated on Thursday the President's claim that no American ground forces are in Laos. He insisted that there had been no change of policy, that all efforts in Laos still were to protect the American position in Vietnam.

But his definition was broad enough, observers noted, to allow for use of American air power in other places than the Ho Chi Minh Trail. The sources have now provided details of operations farther north.

The planes all carry U.S. Air Force markings, the sources say, since they have been requested officially by the Laotian government.

FIVE UNITS USED

The sorties around the Plain of Jars are flown mainly by T28 jet fighter-trainers, F4 Phantom supersonic jet fighter-bombers and F105 Thunderchief jet fighter-bombers based at five sites in neighborhood Thailand—Udorn, Takhli, Nakhon Phantom, Ubon and Korat air bases.

Five wings—375 aircraft—are stationed at the five bases, one to a base, and all five are concentrating on the two "wars" in Laos.

Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the source say.

In addition big AC47 gunships—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate

North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the transaction of morning business in which Senators' remarks will be limited to 3 minutes.

Mr. FULBRIGHT. Mr. President, I did not anticipate that the Senator from South Dakota was going to speak, and I have some comments on the same subject which I wish to make at this time.

WHAT IS THE NATIONAL INTEREST OF THE UNITED STATES IN LAOS?

Mr. FULBRIGHT. Mr. President, the time has come to take a close hard look at what is the real, the genuine national interest of the United States in Laos.

Although the administration refuses to admit it, reliable press reports indicate that the military involvement of the United States in that remote kingdom is growing by the day. The Government of the United States may soon have to decide whether to go all the way in Laos—that is, to make it another Vietnam—or to get out.

Senators will note that I said "the Government of the United States" may have to decide this. The Government includes Congress as well as the President, and I, for one, am not going to accept a decision in which Congress does not play its proper constitutional role. In view of our tragic experience in Vietnam, I do not think Congress and the people will accept it either. Congress can play its proper role only if it can debate—in public—the nature and extent of the present U.S. involvement in Laos. If the American people are going to be asked to entangle themselves in another Asian quagmire, they are entitled, at a minimum, to know the truth about how and why they got there. I, therefore, again call upon the administration to declassify the hearings which were held on Laos last October by the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Foreign Relations Committee headed by the distinguished Senator from Missouri (Mr. SYMINGTON).

But there is a more fundamental question even than what we are now doing in Laos. That question is: How important is Laos to the national security of the United States and to the peace and well-being of the American people? This is the crucial, the all-important issue upon which all other decisions are dependent.

It would be difficult to make a case that Laos has any intrinsic importance to the United States. It has an area of 89,000 square miles, a little larger than the State of Utah, and a population of 2.5 million, approximately equal to metropolitan Washington. It has no significant natural resources. Its total gross national product is scarcely more than Montgomery County, Md., spends on its public schools. The Lao people by all accounts are peaceful, gentle souls. The 1954 edition of the Encyclopedia Americana devotes less than one column to the country.

The importance of Laos to the United States, if any, stems not from the country itself but rather from its geographical location and its relationship to the rest of Southeast Asia and especially to Vietnam.

A most illuminating article on this point, as well as upon the policy of Vietnamization, was published in the Washington Star March 1 under the byline of Mr. George Sherman. I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FULBRIGHT. The article is based on interviews with the usual anonymous sources—who we can be sure are administration officials willing to present a one-sided case in private rather than the full facts in public. These sources, according to the article, "confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam." Further, these sources say, "there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail." The article then goes on:

Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government 'neutralist' forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

There are several interesting points about this anonymous revelation of what we can safely assume is the administration view.

For the first time, American bombing of the Plain of Jars is explicitly related to American bombing of the Ho Chi Minh Trail, but in a most curious way. On the one hand, we are told that bombing in the north—which, be it noted, did not prevent a Communist takeover of the Plain of Jars—has already diverted planes from attacks on the Ho Chi Minh Trail. On the other hand, we are told that if we do not prevent a Communist victory in the north—presumably by more bombing—then we will have to stop bombing the trail anyway.

Finally, we are told that if American air strikes against the Ho Chi Minh Trail are indeed stopped, either through diversion to the north or as a consequence of Communist pressure on Souvanna Phouma, then all hope of Vietnamization will be destroyed. This confirms a suspicion many of us have had about the fragility of the policy of Vietnamization. How can you say you are Vietnamizing the war in Vietnam when the success of this effort is totally dependent on indefinite continuation of massive air attacks on the Ho Chi Minh Trail?

Aside from Vietnam, Laos is said to be important to the United States because it borders on Thailand. If Laos goes Communist, so runs this argument, then Thailand can be expected to go next—and then Burma and Cambodia and Malaysia, and so on. This is the domino theory which even Dean Rusk once privately admitted to the Senate Foreign Relations Committee that he did not believe in.

More ominous, perhaps, is the possibility that a Communist victory in Laos would trigger the United States-Thai contingency plan which Secretary of Defense Laird has publicly disavowed, but which nonetheless was updated last summer.

It is also interesting in this connection that high officials of the administration—if I may resort to the journalistic technique to protect individuals—have made the argument to members of the Foreign Relations Committee that Laos is even more important than Vietnam.

Mr. President, the fact that high officials of the administration think this scares me to death. It suggests an ominous and dangerous future for us in that remote country. If Vietnam was important enough to justify the commitment of half a million American troops, then in this view how many more could justifiably be committed to Laos, which is one of the few worse places than Vietnam to fight a war?

All of this has gotten things completely out of proportion. Let us take a fresh look at our interests in Asia, attempting to put first things first.

It is wildly absurd to say that Laos and Vietnam, singly or together, have the capability of doing harm to the United States—except as we permit it through embroiling ourselves in interminable wars in those countries. What we are really concerned about in Southeast Asia is the power of mainland China, or more accurately, the extension of that power beyond China's borders.

We can all agree, I think, that the mainland Chinese are hostile to the United States. It is in our national in-

terest, therefore, to counter or deal with that hostility as best we can. Fighting wars in peripheral, insignificant countries is certainly not the best way to do this. On the contrary, it may well be the worst way.

I dare say the simple presence of the United States in Vietnam and Laos inspires greater Chinese interest in those countries than would otherwise be the case. Certainly the Russian presence in Cuba excited a greater American interest in that country than had previously been manifest.

Furthermore, Chinese hostility to the United States does not necessarily imply Chinese aggressiveness against China's smaller neighbors. Irrational though they may be, the Chinese Communists can scarcely equate Laos and Vietnam with Japan, the Soviet Union, and India—unless we force them to do so. Madness in Washington may very well beget madness in Peking.

Finally, Mr. President, one's assessment of the importance of Vietnam and Laos to the United States has to be balanced against the cost of protecting whatever U.S. interest one perceives in those two countries. There is room for honest differences of opinion on both sides of this equation. Although I do not share this view myself, I can understand how one might possibly argue that the U.S. national interest in Laos justifies the expenditure of, let us say, $200 million a year and the loss of some hundreds of American lives—if, and I emphasize if, this would achieve American objectives or at least maintain the status quo.

The question we have to face now is how much more, in blood and money, are we willing to spend if this does not achieve our objectives. And the cost is not just what we spend in Laos, or Vietnam. The most important part of the cost is that which cannot be quantified, either in money or lives. This is what we are doing to ourselves. It is the corruption of our national life.

Even if we assume that our objectives in Southeast Asia are desirable, we have to ask ourselves, Are they possible of attainment at any reasonable cost? It seems clear to me that the answer has to be in the negative.

Two centuries ago, Edward Gibbon began his epic work, "The Decline and Fall of the Roman Empire" with these words:

> In the second century of the Christian era, the Empire of Rome comprehended the fairest part of the earth, and the most civilized portion of mankind. The frontiers of that extensive monarchy were guarded by ancient renown and disciplined valour. The gentle but powerful influence of laws and manners had gradually cemented the union of the provinces. Their peaceful inhabitants enjoyed and abused the advantages of wealth and luxury. The image of a free constitution was preserved with decent reverence: the Roman senate appeared to possess the sovereign authority, and devolved on the emperors all the executive powers of government.

That is not a very inaccurate description of the United States in the last half of the 20th century of the Christian era. But let us listen to Gibbon further:

> It was reserved for Augustus to relinquish the ambitious design of subduing the whole earth, and to introduce a spirit of moderation into the public councils. Inclined to peace by his temper and situation, it was easy for him to discover that Rome, in her present exalted situation, had much less to hope than to fear from the chance of arms; and that, in the prosecution of remote wars, the undertaking became every day more difficult, the event more doubtful, and the possession more precarious, and less beneficial.

I wish the administration would give heed to the lessons of history. Surely President Nixon would rather be referred to by future historians as Gibbon referred to Augustus and not as the man who presided over the decline and fall of the American Republic. He talked like it in expounding his Nixon doctrine. I wish he would act like it in Southeast Asia.

[From the Washington Star, Mar. 1, 1970]

EXHIBIT 1

LAOS: WHAT THE UNITED STATES IS DOING

(By George Sherman)

Washington sources revealed yesterday more details on the United States' involvement in the secret war in Laos and its direct tie to the war in Vietnam.

According to these sources, upwards of 200 combat sorties a day are being flown by U.S.-marked planes against North Vietnamese armed forces which have overrun the Plain of Jars and threaten the military and political balance in Laos.

More than 200 other air missions are flown against the Ho Chi Minh infiltration trail farther south through the 125-mile jungle panhandle of Laos from North to South Vietnam. In all, there are from 400 to 500 sorties of U.S. Air Force planes over Laos every day.

According to these sources, U.S. B52s flew missions for two successive days over the Plain of Jars, "around" Feb. 17 and 18. The raids, which have provoked charges in the Senate of escalating U.S. involvement in Laos, were approved directly by President Nixon, the sources say.

They also say that the attacks did not accomplish their purpose—stopping the drive of parts of two North Vietnamese divisions of nearly 16,000 men—across the Plain of Jars. The claim is that the political decision to use the strategic bombers was delayed too long in Washington, despite advance warning of North Vietnamese moves.

Also, the sources say, by the time the U.S. commander in Vietnam, Gen. Creighton W. Abrams, ordered the B52 raids, the North Vietnamese forces "grouped" in the rolling Plain of Jars had vacated their sites. Abrams is said to give priority to B52 raids against enemy concentrations in South Vietnam and truck convoys along the Ho Chi Minh trail, since they are more directly related to American ground fighting—and lives—in the South.

According to the sources, the U.S. ambassador in Laos, G. Murtrie Godley, asked for as many sorties as possible—not just B52 raids—when it was clear early this month that the North Vietnamese were massing for a major offensive. The request went to Abrams, who relayed it to Hawaii to Adm. John S. McCain, commander of U.S. Forces in the Pacific, and from there to Secretary of Defense Melvin S. Laird and the President.

Under the presidential decision, the B52 raids were limited in scope and time. There was not the saturation bombing many observers predicted when U.S. aircraft, working with the Laotian government, evacuated 18,000 persons from the Plain of Jars early in February.

Also in the present scheme B52 raids in the Plain of Jars—which have never been officially announced—must be ordered directly by Washington. Decisions on raids along the Ho Chi Minh trail against highly selected targets, and in South Vietnam, are left to Abrams.

TRIBESMEN FLY

The present rate of 200 sorties a day around the Plain of Jars represents a jump from 30 a day at the beginning of the enemy offensive, the sources say. The raids are usually conducted with a Meo tribesman riding behind the pilot to point out enemy caves.

According to the sources, there is the real danger that the surge of air sorties in North Laos is hurting the attacks on the Ho Chi Minh trail.

Sources here say the plan is to work out a more flexible plan for rationing the use of air power—the strategic B52s and tactical planes—between Laos and South Vietnam. The matter of priorities and coordination is believed to have been high on the agenda of a series of top-secret conferences in Saigon Thursday and Friday.

The top military men and diplomats dealing with Southeast Asia—U.S. ambassador to South Vietnam Ellsworth Bunker, U.S. ambassador to Thailand Leonard Unger, as well as McCain, Abrams and Godley—were there.

Sources here and reports of the meetings from Saigon confirm the tight link the Nixon administration sees between the two wars, in Laos and South Vietnam. Experts say Hanoi is using the offensive in northern Laos to try to end the highly effective American air interdiction of the Ho Chi Minh trail farther south.

MOVE TO SOUTH

The North Vietnamese ploy, in this view, is to either blackmail or force out of office altogether Laotian Premier Souvanna Phouma. Their immediate aim, after taking the Plain of Jars and the important road junction at Muong Soui, is to move southwest against the two key bases of Meo tribal units—the chief fighting force of the Laotian government.

There is little doubt in informed circles here that the North Vietnamese can overrun these two bases at Sam Thong and Long Chien, less than 100 miles north of Vientiane, Souvanna Phouma's capital. Once in control of the bases, and having wiped out pro-government "neutralist" forces and occupied their territory, Hanoi could threaten to wipe out Souvanna Phouma and his capital if he refuses to stop American bombing of the Ho Chi Minh trail.

The sources here claim that such an order would be catastrophic to the American war effort in South Vietnam. They contend it would destroy all hope of turning the war over to the South Vietnamese and withdrawing American ground forces, since Hanoi would be free to infiltrate as many men and massive supplies as needed to take over South Vietnam.

EFFORT DOUBLED

At the moment, these sources say Hanoi is already mounting a massive new supply effort along the Ho Chi Minh trail—even with heavy U.S. air raids. It is double what it was last year at this time, the sources said, and may be preliminary to another big enemy offensive.

The amount of supplies being moved south has gone straight up since the dry season began in October and is expected to continue to climb until the May rains come.

According to these sources, the North Vietnamese put into the trail, at the northern entrance in the Mu Gia Pass, an average of 700 trucks a week during the first three weeks of February. An average of 350 a week—each carrying 4 tons of supplies—was able to reach the southern terminal in the Ashau Valley. In the week ending Feb. 17 American planes are reported to have taken out 465 trucks—90 percent of them at night. But 442 trucks still got through the same week.

The North Vietnamese maintain special logistic and antiaircraft forces along the trail—in addition to the estimated 65,000

combined fighting and supply forces conducting the campaign in the north. They have tried to establish some Soviet-made ground-to-air missiles, but the jungle terrain makes these SAM weapons difficult to operate.

Nevertheless, officials say, American plane losses over the Ho Chi Minh trail reached the point in mid-February where sorties have to be turned away from truck convoys and against antiaircraft installations for three days one week. In November, American plane losses were 18, in December 16, in January 15 and in February 14.

The American bombing has been so successful, it is claimed, that Soviet trucks have become a leading import for the war effort in Hanoi.

According to these sources, the Soviet Union is sending 160,000 tons—about 30 shiploads—of supplies and equipment a month into Haiphong harbor.

They say that 75 percent of all North Vietnamese military imports—including those from China and the Soviet Union—come by sea, 25 percent by land over the railroad from China, but that no major Soviet items are sent by land because of Chinese pilferage in transit.

The major problem facing the Nixon administration is how to counter this coordinated drive in Laos and South Vietnam without becoming "over involved."

Sources note that the limited use of air power in Laos on the Ho Chi Minh Trail—admitted by the President—is the first test of the "Nixon doctrine" for lessening American involvement in Asian wars.

Secretary of Defense Melvin R. Laird repeated on Thursday the President's claim that no American ground forces are in Laos. He insisted that there had been no change of policy, that all efforts in Laos still were to protect the American position in Vietnam.

But his definition was broad enough, observers noted, to allow for use of American air power in other places than the Ho Chi Minh Trail. The sources have now provided details of operations farther north.

The planes all carry U.S. Air Force markings, the sources say, since they have been requested officially by the Laotian government.

FIVE UNITS USED

The sorties around the Plain of Jars are flown mainly by T28 jet fighter-trainers, F4 Phantom supersonic jet fighter-bombers, and F105 Thunderchief jet fighter-bombers based at five sites in neighboring Thailand—Udorn, Takhli, Nakhon Phanom, Uban and Korat air bases.

Five wings—375 aircraft—are stationed at the five bases, one to a base, and all five are concentrating on the two "wars" in Laos.

Part of another F4 wing, stationed near Danang in South Vietnam, is also engaged in the Laotian operations, the sources say.

In addition big AC47 gunships—with guns sticking out of their bellies and sides—are used to interdict trucks and men moving toward South Vietnam.

The problem to be resolved, sources claim, is whether the United States can frustrate North Vietnamese advances in the North and along the Ho Chi Minh Trail. It was frankly admitted that the real stumbling block is the unwillingness—or inability—of the Laotians, including the Meo tribesmen, to fight off the North Vietnamese.

The claim heard here is that saturation bombing by B52s and lesser bombers could stop the North Vietnamese drive in the North, especially along the main road in Laos.

But because of political considerations—the uproar of critics and fear of escalating the Vietnam war—Nixon has so far kept the bombing limited and has forbidden bombing near the North Vietnamese border in the North.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

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 enrolled bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON SPECIAL PAY TO CERTAIN OFFICERS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that the permissive authority vested in the Secretary of Defense to pay special pay to certain officers was not exercised during calendar year 1969; to the Committee on Armed Services.

REPORT ON SHIPMENTS BY THE DEPARTMENT OF DEFENSE OF CHEMICAL MUNITIONS

A letter from the Secretary of State, transmitting, pursuant to law, a classified report on shipments by the Department of Defense of Chemical Munitions (with an accompanying report); to the Committee on Armed Services.

REPORT ON SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on special pay for duty subject to hostile fire, for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON SURVEY OF LENDER PRACTICES RELATING TO THE GUARANTEED STUDENT LOAN PROGRAM

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on a survey of practices of lending institutions relating to the guaranteed student loan program, dated February 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE FOR THE SETTLEMENT OF THE LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILROAD AND CERTAIN OF THEIR EMPLOYEES

A letter from the Secretary, transmitting a draft of proposed legislation to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (with an accompanying paper); to the Committee on Labor and Public Welfare.

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. JACKSON:

S. 3529. A bill for the relief of Johnny Trinidad Mason, Jr.; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3530. A bill for the relief of Miss Rosario Grandy Ochoa; to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. JAVITS, Mr. MURPHY, Mr. SCHWEIKER, Mr. SCOTT, and Mr. SMITH of Illinois):

S. 3531. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. NELSON:

S. 3532. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require a warning on the label of all oral contraceptive drugs regarding possible dangers to the health of persons using such drugs; to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 3533. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title;

S. 3534. A bill to amend title II of the Social Security Act so as to encourage recipients of monthly benefits thereunder to accept employment in job-training programs and day-care centers;

S. 3535. A bill to amend title II of the Social Security Act to provide for an increase in the amount of widow's and widower's benefits payable thereunder;

S. 3536. A bill to amend title II of the Social Security Act to allow certain widows who are not under a disability to receive reduced benefits thereunder at age 50;

S. 3537. A bill to amend the Social Security Act to extend, in certain cases entitlement to the health insurance benefits provided under title XVIII thereof to individuals who have not attained age 65 but are married to individuals who have attained such age and are entitled to such benefits; and

S. 3538. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system; to the Committee on Finance.

S. 3539. A bill for the relief of Cosimo Lanata; and

S. 3540. A bill for the relief of George K. Liu; to the Committee on the Judiciary.

(The remarks of Mr. BROOKE when he introduced the first six bills appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA (for himself, Mr. ALLOTT, Mr. BIBLE, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLINGS, Mr. MILLER, Mr. PASTORE, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 3541. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

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

By Mr. GRIFFIN:

S.J. Res. 178. A joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and cer-

tain of their employees; to the Committee on Labor and Public Welfare.

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

S. 3531—INTRODUCTION OF THE NATIONAL INSTITUTE OF EDUCATION ACT

Mr. PROUTY. Mr. President, I would like to call to the attention of my colleagues in the Senate that the President has today issued a message on education reform. This is a slight change from the yearly Presidential message on education, and I would like to make a few comments on the content of his message and what it means to us in the Congress and the Nation at large.

In recent weeks our educational system has been the subject of much debate, with many discussions on student unrest, desegregation, and national priorities. Indeed it is becoming increasingly evident that the school system of this Nation is the focus of our attention as we try to maintain a healthy economy and at the same time improve the quality of living for all citizens. We worry about education expenditures, not only in relation to the particular outcomes desired as products, but also in relation to the total functioning of the economy as these expenditures are made. We worry about the increasing instances of civil disorder caused by present inequities in our schools that deny equal opportunities for all that we seek. We worry about the great feelings of uncertainty aroused in our youth as they become increasingly dissatisfied with our attempts to maintain a society affording opportunity to maximize individuality and self-fulfillment instead of disassociation from the community and stagnation of ideals.

In short we still hold to the American dream that education is the key to realization of equal opportunity, self-fulfillment, the perpetuation of society, and more importantly, the improvement of our culture. Yet, as our problems become more complex and interrelated through improvements in technology and ever-faster rates of progress, we become increasingly unable to define those problems or delineate possible solutions.

Our discussions tend to become fragmented as they dwell upon accusations of blame, assertions of righteousness, or complaints disguised as so-called definitions. Rather, we should be concentrating on a definition of goals and reasonable ways in which all can contribute to their achievement, as well as systematic evaluation that can really isolate the problems and tell us from where to proceed.

This is what the President is now asking us to do, and I wish to commend him for this effort and will support his recommendations to bring about improvements. This message is just the beginning, for many ideas are being reviewed and generated into additional proposals that will enhance these preliminary steps and lead to a larger attack on our problems. The reforms that are called for in this message are basic to any future undertakings, and I am sure that they will meet the concurrence of many and be readily adopted.

The major request made by the President is for a searching re-examination of our entire approach to learning, the factors that bring it about, and the attitudes that must be changed to improve its effect. He has called for an end to the shibboleths that we understand the mystery of the learning process, that we know which programs are most effective, that we make best use of Federal policy and moneys, and that schools alone are the means to a better educational system. These beliefs are untrue, but they have dominated the development of most policies and programs to date. The result is a patchwork of fragmented and often ineffective programs that are not responsive to local or individual needs, that are not efficient uses of our resources, and that are not accommodating the needs of our society as a whole.

The President has made four recommendations concerning areas in which we already know some of the directions that must be taken.

The first is for creation of a National Institute of Education that would be similar to the National Institutes of Health as a focus for educational research, evaluation, experimentation, and dissemination. As the sponsor of legislation that would create such an Institute, I would like to speak more about this later when I introduce a bill to make this possible.

A second recommendation of the President's is for a commission to study the problems of school finance. As evaluation and development of new programs are taking place, we must prepare to make changes by reassessing our resources and planning ways to improve their availability.

A third recommendation calls for establishment of a network of child development projects. The early learning program of experimental centers across the Nation will complement and give a more solid base to this very rapidly expanding field of concern. As one who has long been interested in programs for younger children, I am particularly pleased with this proposal. In 1968 when I introduced the Handicapped Children's Early Education Assistance Act that was subsequently enacted into law, I did so in recognition that the early years are most crucial in a person's life. For the handicapped, early detection and corrective training can do much to alleviate problems that would be hopeless later if not met with in time. What is most encouraging is to see this recognition of the crucial early years now being carried over to the benefit of all children. At the same time, as the family assistance program is meeting with more widespread acceptance, it is imperative that the day care component be developed adequately to meet the need. In this regard, I have recently introduced a bill, S. 3480, the Comprehensive Headstart Child Development Act of 1970, which would consolidate the major day care programs now in existence and foster research and development of new programs. Our bill called for creation of a National Institute for Early Childhood Development and Education. Most assuredly, the President's recommendation for a network of experimental centers is consonant with our intent. I am hopeful that as hearings are conducted on this and related bills, the specific mechanism to implement such centers will be the Institute we recommended.

Finally, the President has recommended that for those who already are in school, the whole fabric of their education must be improved by focusing on problems of reading and equality of opportunity that can be expanded by improved learning skills. The right-to-read program has been discussed frequently in recent months since its announcement by Commissioner of Education, James E. Allen. However, I do not think that many have taken time to assess the benefits that could be derived from this program and am, therefore, grateful that the President has again called it to our attention and committed more resources.

For those who think the right-to-read program will benefit only a certain sector of our school population, I would like to say that the benefits will be much more widespread. It is true that improved reading will do much to equalize the opportunities of education for many of our disadvantaged students. But more than this, it will help all students by stressing the individuality of the learning process and by improving the educational climate of all our classrooms. Those who have visited a schoolroom lately may have been dismayed at the seeming lack of motivation or actual learning taking place. They would be the first to recognize, however, that improved reading and learning skills could go a long way in helping all. For those who are disadvantaged students, reading can open new avenues to self-fulfillment and self-expression. Where there is now only consternation and frustration for lack of wherewithal to proceed, or where there is only punitive or custodial attention given, think of the importance of being able to proceed on one's own. For those who try hard to reach these students, but who cannot because too many have tuned out and demand discipline rather than teaching, think of the progress they could be leading in more constructive ways. And for those who are more fortunate in having some skills developed already, think of the fun and benefits they could enjoy if more classroom attention could be directed to learning experiences instead of remediation, discipline, and boredom. While I am convinced that the right-to-read program must be focused on students at every level, I am certain that its success in the early grades especially will foster even greater benefits later on. In an age of increasing desire for individuality and specialization, it is imperative that all students be given the learning skills to proceed on their own, and the right to read is the most essential first step.

In implementing this and the other three recommendations of the President in his message on education reform, I

am sure we will be doing the right thing. I ask my colleagues to join with me in supporting the President and in helping our Nation's children.

Mr. President, at this time, I introduce for myself, Mr. JAVITS, Mr. DOMINICK, Mr. GRIFFIN, Mr. MURPHY, Mr. SCHWEIKER, Mr. SCOTT, and Mr. SMITH of Illinois, a bill, on behalf of the administration, entitled the National Institute of Education Act. This bll would carry out one of the four recommendations made by the President today in his message on education reform. It would create a National Institute of Education similar in function to the National Institutes of Health.

For those who know the many benefits that have accrued under direction of the National Institutes of Health and who also know how fragmented and ineffective our present education research efforts are, I am sure the need to consider this legislation will be obvious. For those who may not be as familiar with the situation of education research and experimentation, I would like to make a few remarks that will explain the need and the ways in which this Institute will bring about reorganization and improvement.

As I stated earler in my comments on the President's education reform message, it is most important that we reassess our thinking on the nature of the learning process and the best methods to encourage learning. This bill would create the mechanism whereby systematic research and experimentation could be carried out in furtherance of this goal.

Specifically, the Institute would not only conduct research and experimentation of its own, but would also coordinate and foster other efforts carried out by other agencies capable to similar activities. It would also engage in the training of educational researchers or other professionals and serve as a resource center to help State and local agencies with their individual efforts for reform.

At the present time, our research efforts in education are somewhat ineffective because of a lack of coordination and insufficient resources directed to the effort. Whereas nearly 10 percent of the defense budget and 5 percent of the health budget is devoted to research, in education this amount is less than one-half of 1 percent.

Worse yet, there is too little cordination because most research is conducted on an individual project basis through a wide variety of auspices such as universities, research organizations, regional labs, research coordinating units, special compacts of the States, and even school districts themselves. As a result, we know very little about the learning process, the factors in the school and out that affect it, which programs are most effective or why, and what changes should be made.

The new Institute would be a separate entity located in the Department of Health, Education, and Welfare. Like the National Institutes of Health, it could use an interdisciplinary approach to investigate the whole variety of factors which constitute the learning process. For the first time, it would be given the resources and authority to carry on more disciplined inquiry of a quality level.

Following the lead of the National Science Foundation, the Director whould be empowered to hire top-level experts for limited periods of time. They would direct on-going research and plan future activities. Further, the importance of research, experimentation, evaluation, and dissemination would at long last be recognized by making the Director of the Institute equal in stature to the Commissioner of Education.

Although it will be a separate entity outside of the Office of Education, the Director will also report to the Assistant Secretary for Education. Thus a new thrust will be possible. It would be engendered in such a way as to have an impact on present programs, and yet not be too tied to the old order. Finally, as the Institute develops its resources and capabilities, it may take over much of the research now going on within the Office of Education and other agencies.

With nearly one out of every three Americans attending an educational institution, and with over $60 billion being spent yearly, it is imperative that we seek a systematic approach to improvement. Particularly, it must be responsive to a variety of objectives so that all our citizens will benefit, not just the disadvantaged or the college-bound. The creation of a National Advisory Council on Education Research will insure top-level coordination and relevance to urgent national priorities.

Without reiterating many of the comments I made earlier about the need for research, I would like to note my agreement with the President on his enumeration of certain areas which should be investigated without haste. Other than the subject of the learning process itself, there is the matter of new measurement and evaluation techniques. These are especially needed in the schools and it is time that new techniques be developed to help school people, as well as research people.

There is also the matter of better teaching techniques and methods to strengthen the teaching profession. By stressing the need for greater accountability by teachers and administrators, we can improve the teacher's role. This calls for the use of flexible standards to evaluate not only the learning achieved by each student, but also the progress made by those who engender it and who should be rewarded accordingly.

The President is indeed correct that we must consider productivity above all else. We must take whatever steps are necessary to increase it, regardless of how unpopular they may have seemed in the past.

The National Institute can do this by establishing model programs where many factors can be controlled and evaluated. These experimental efforts can be highly creative and of long duration so that all ramifications can be considered. They can explore programs such as compensatory education to see what long-term effects are brought about when it is properly managed and when it is not. We already know that many schools divert the supplemental funds to be used for disadvantaged students and use them to make such programs equal to those of other students. What we must know more about are the progressive effects of this handicap and procedures that can be used to stop it.

Other model programs can explore avenues of education such as television and extracurricular learning experiences. The recent acclamation given to "Sesame Street," the new television program for preschoolers, is well deserved for it has proven how effective technology can be. The potentials of communications technology should be explored more fully and the Institute could provide an excellent vehicle to do this.

Indeed the catalytic power of such an institute could be most helpful with regard to this and many other subjects mentioned by the President that need further development. Just as the National Institutes of Health became a catalytic power behind improvements in health and medicine, the Institute can become a catalytic force behind reform in education.

Such a hope was voiced yesterday by the Carnegie Commission on Higher Education in its report entitled "A Chance To Learn: An Action Agenda for Equal Opportunity in Higher Education." Reports such as this are important and constructive, especially since many of their recommendations pertain to the whole spectrum of the education structure. But reports alone are not enough.

Mr. President, it is time that we stop calling for reform and time that we develop a better mechanism to bring it about. I believe the bill I am introducing today would accomplish this objective and hope my colleagues will support it. At this time, I ask unanimous consent that the bill and a section-by-section analysis also be printed in the RECORD following my remarks.

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

The bill (S. 3531) to establish a National Institute of Education, and for other purposes, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3531

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 "National Institute of Education Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby declares it to be the policy of the United States to provide equality of educational opportunity to all persons regardless of race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not attained it. Inequalities of opportunity remain pronounced. To achieve equality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific enquiry

into the educational process. The purpose of this Act is to establish a National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the nation.

ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

SEC. 3. (a) There is established in the Department of Health, Education, and Welfare a National Institute of Education (hereinafter referred to as the "Institute"). The Institute shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate. The Director shall perform such duties as are prescribed by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary").

(b) Section 5316 of title 5, United States Code, relating to positions in Level V of the Executive Schedule, is amended by adding the following paragraph at the end thereof:

"(130) Director, National Institute of Education, Department of Health, Education and Welfare."

FUNCTIONS OF THE INSTITUTE

SEC. 4. The Secretary, through the Institute, shall conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this Act the term "educational research" includes research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education.

EMPLOYMENT OF PERSONNEL

SEC. 5. The Secretary may appoint and compensate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH

SEC. 6. (a) The President shall appoint a National Advisory Council on Educationl Research which shall—

(1) review and advise the Secretary and the Director on the status of educational research in the United States, and present to the Secretary such recommendations as it may deem appropriate for the strengthening of such research and the improvement of methods of collecting and disseminating the findings of educational research;

(2) advise the Secretary and the Director of the Institute on matters of general policy arising in the administration of this Act;

(3) conduct such studies as may be necessary to fulfill its functions under this section; and

(4) prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary shall transmit to the President with such recommendations as he may make.

(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of 15 members appointed for terms of three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office shall begin on the date of enactment of this Act, and shall expire as designated at the time of appointment, five at the end of three years, five at the end of two years, and five at the end of the first year. One of such members shall be designated by the President as Chairman. Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates to be determined by the Secretary, but not exceeding the per diem equivalent for GS–18 for each day so engaged, including traveltime, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The Secretary shall provide to the Council such professional, clerical, and other assistance as may be required to carry out its functions.

(d) The Council is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to employ and fix the compensation of such personnel as may be necessary to carry out its functions. The Council is further authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, and it may enter into contracts for the conduct of studies and other activities necessary to the discharge of its duties.

GENERAL PROVISIONS

SEC. 7. (a) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary and the head thereof, on a reimbursable basis or otherwise.

(b) Payments under this Act to any individual or to any organization, institution, or agency may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) The Secretary is authorized to accept gifts to the Institute and to apply them to carry out his functions under this Act; and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(d) Funds available under this Act shall be available for transfer to any other Federal department or agency (including constituent agencies of the Department of Health, Eudcation, and Welfare) for use (in accordance with an interagency agreement) by such agency (alone or in combination with funds of that agency) for purposes for which such transferred funds could be otherwise expended by the Secretary under this Act, and the Secretary is likewise authorized to accept and expend funds of any other Federal agency for use under this Act.

(e) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

APPROPRIATIONS AUTHORIZED

SEC. 8. There are authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums as may be necessary to carry out this Act, which shall remain available until expended.

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

SECTION-BY-SECTION ANALYSIS OF NATIONAL INSTITUTE OF EDUCATION ACT

SECTION 1. SHORT TITLE

Section 1 of the bill provides that this legislation may be designated by the short title of "National Institute of Education Act".

SECTION 2. FINDINGS AND DECLARATION OF POLICY

Section 2 declares it to be the policy of the United States to provide equality of educational opportunity to all persons regardless of race, color, religion, sex, national origin, or social class. In order to further this purpose the bill would establish the National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the Nation.

SECTION 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

Section 3 would establish a National Institute of Education within the Department of Health, Education, and Welfare, under a Level V Director appointed by the President with the advice and consent of the Senate.

SECTION 4. FUNCTIONS OF THE INSTITUTE

Section 4 would direct the Secretary, acting through the Institute, to conduct, and collect and disseminate the findings of, educational research (defined to include research, planning, surveys, evaluations, investigations, developments, and demonstrations in the field of education); to train individuals in such research; to aid such research through grants to, or other appropriate arrangements with, public or private organizations or individuals; and to promote the coordination of educational research and research support within the Federal Government. The section would also authorize the Secretary to construct or provide for the construction of facilities required to accomplish the bill's purposes. The Secretary may procure through appropriate contract any of the functions (such as the conduct of research) that the section would instruct him to perform directly.

SECTION 5. EMPLOYMENT OF PERSONNEL

Section 5 would authorize the Secretary to appoint and compensate, without regard to the civil service and classification laws, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute. The provision is modeled upon 42 U.S.C. § 1873(a), which provides a similar authority to the Director of the National Science Foundation. It is contemplated that one way the Secretary will make use of this authority is to appoint persons of distinguished qualifications in the field of education, or in a field having application to education or research, as Fellows of the National Institute of Education.

SECTION 6. NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH

This section would provide for the establishment of a National Advisory Council on Educational Research. The Council would advise the Secretary and the Director of the Institute on the status of educational research in the United States, and present appropriate recommendations to the Secretary with respect thereto, as well as advise the Secretary and the Director on matters of

general policy arising in the administration of the bill. The Council would also prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary would transmit, with his recommendations, to the President.

SECTION 7. GENERAL PROVISIONS

Section 7 contains general administrative provisions which include authority in the Secretary to utilize the services and facilities of other agencies of the Federal Government and of public or non-profit private agencies or institutions, authority to accept gifts, and a provision making the Davis-Bacon Act applicable to construction project assisted under the bill.

SECTION 8. APPROPRIATIONS AUTHORIZED

The bill would authorize to be appropriated for the fiscal year June 30, 1971, and thereafter, such sums as may be necessary, which would remain available until expended.

S. 3533 THROUGH S. 3538—INTRODUCTION OF BILLS RELATING TO SOCIAL SECURITY REFORM

Mr. BROOKE. Mr. President, the plight of the elderly has long been a matter of great concern to me.

Ever since coming to the U.S. Senate, and even before then, as a private citizen, I have frequently been confronted with the deplorable and degrading conditions in which many of our older citizens are forced to live.

I think it must be safe to say that there is not a single American who does not know of an elderly couple living in poverty on an inadequate pension, or a poor widow who cannot afford hot food or medical attention, or a man who has worked all his life but who now receives inadequate income to provide a decent life for himself and his wife.

It is not necessary to have read a great deal about the plight of the elderly to know that such problems are widespread. Our older citizens themselves are becoming far more aware of the inequities of their conditions, and they are organizing, marching, picketing, holding rallies, and making their views well known to their fellow countrymen.

I applaud these efforts, for they are in the best traditions of representative democracy.

But our senior citizens should not have to take to the streets to secure fair treatment from their Government. Older people who have worked all their lives or are unable to earn the income required to maintain themselves in good health and a reasonable degree of comfort, deserve our prompt attention and our aid. It is a national disgrace that 6 million persons over the age of 65 are presently living in poverty.

In the years since I have been in the Senate, I have seen great changes wrought in the social security system. We have expanded and improved the coverage and administration of medicare and medicaid. We have increased social security benefits substantially: by 12½ percent in 1967, and by an additional 15 percent in 1969. Even now, the Senate Committee on Finance is considering additional legislation designed to increase the benefits to our elderly and to allow them to live better lives despite ever-rising costs of goods and services.

In order to facilitate these deliberations, I am introducing today a series of six bills designed to improve the coverage of our social security system.

First, I believe that the limitation upon the amount which an older person may earn before losing part or all of his social security benefits should be removed entirely. Social security, since its inception, has been intended as a floor below which no worker or his dependents should fall as a result of the loss or reduction of income due to old age or disability. For far too many of the elderly and the disabled, this pension has become their sole source of income. But for many others, it is a secure base upon which they can build through lower paying, or less time consuming, but nevertheless rewarding employment. An older person never knows when illness or family emergency may require that even limited employment be terminated. For such persons—for all persons over age 65—a permanent income base should be maintained, unaffected by the vicissitudes of earnings or other income.

This security is not present, however, if their payments are reduced every time annual earnings rise above $1,680, as in the present law, or $2,200 per year, or $3,000 per year, as some other proposals have suggested. Such ceilings can and frequently do result in a dollar for dollar loss in income for older persons who want to continue as productive members of society. Alternatively, they lead an older person to earn less than he or she wants to earn or may be capable of earning. In either case, the earnings limitation is a disincentive to work, and as such is contrary to our goal of a nation of free and self-supporting citizens. I strongly urge that this punitive and counter-productive ceiling be removed. The first bill which I am introducing would accomplish this goal.

Recognizing, however, that as a practical matter it may not be possible to remove the earnings limitation entirely at this stage, I am submitting another bill which would disallow entirely the limitation for older persons participating in particularly worthwhile public service programs. I refer, in this case, to older persons who contribute their talents to day-care centers and job-training programs.

Under the President's new welfare proposals, it will be necessary to create and staff a large number of day-care facilities, and to expand greatly the quality and quantity of job-training programs. Our older citizens, who have worked all their lives, raised their families, and learned the skills which only long experience can teach, are in a unique position to make invaluable contributions to these programs. I believe they should receive every incentive to do so. A complete removal of the earnings limitation for this crucial kind of public service would serve both as a recognition of the need for the contribution and as a reward for those who chose this path. The second bill which I am introducing would accomplish this goal.

A third matter which deserves to be corrected is the serious decline in income which is often encountered as a result of the death of a spouse. Expenditures for certain items, such as housing, heat, water and electricity, transportation and similar services remain essentially the same. The only decline in costs which may be encountered is in the area of food or clothing or medical services. And depending upon individual circumstances, even these adjustments may be minimal. At the present time a widow or widower is entitled to only 82½ percent of the benefits which the couple received jointly during the life of the spouse. The bill which I am introducing would raise this entitlement to 90 percent, which I believe to be a more realistic figure in view of the expenses involved.

Another problem frequently arises with regard to dependent spouses who have not themselves attained the age of eligibility, but yet are dependent upon the older partner's income from social security payments. The death of the social security recipient frequently leaves the dependent partner destitute, and faced with the alternatives of returning to work at the age of 50 or 60, or receiving welfare. Many persons in such circumstances would want to return to work, and should be encouraged to do so. But there are others who, for physical or emotional reasons, may be unable to assume the responsibilities of employment. Such persons should be permitted the alternative of choosing to receive a portion of the spouse's social security benefits, though at a permanently reduced level geared to the age of the intended recipient. As a safeguard against fraud, the legislation which I am proposing contains a requirement that the marriage shall have lasted for at least 10 years in order for the dependent spouse to be eligible for this provision.

Closely related to this problem is the case of a dependent spouse under the age of 65 who is not eligible to participate in medicare, and yet is dependent upon the husband's or wife's social security payments and finds the cost of adequate private insurance prohibitive. Some provision should be made for including such persons under the medicare system, if the family income is insufficient to enable them reasonably to secure medical insurance from any other source. Therefore, a fifth bill, which I am introducing, woud permit dependent spouses to be included in the medicare benefits of the qualified partner if their joint income does not exceed $5,000 per year.

The last bill which I am proposing today pertains to the problem of social security deductions from the earnings of older persons. Many of our elderly citizens have found, to their surprise and dismay, that a social security tax is deducted from their earnings even in cases where those earnings are within the present limitation and where the persons are themselves recipients of social security benefits. In some cases, an individual may wish to have these taxes deducted in order to acquire additional quarters of work and thereby qualify for full social security benefits. In the vast majority of instances, however, the tax simply amounts to a further reduction in an already limited income. Therefore, I am proposing a bill which would permit a person over 65 to elect to have his wages

from employment or self-employment excluded from the social security tax.

I am hopeful that these proposals will receive prompt consideration, and will help to bring some needed measure of relief to those who deserve to enjoy, not to dread, the rest of their retirement years.

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

The bills, introduced by Mr. BROOKE, were received, read twice by their title, and referred to the Committee on Finance, as follows:

S. 3533. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title;

S. 3534. A bill to amend title II of the Social Security Act so as to encourage recipients of monthly benefits thereunder to accept employment in job-training programs and day-care centers;

S. 3535. A bill to amend title II of the Social Security Act to provide for an increase in the amount of widow's and widower's benefits payable thereunder;

S. 3536. A bill to amend title II of the Social Security Act to allow certain widows who are not under a disability to receive reduced benefits thereunder at age 50;

S. 3537. A bill to amend the Social Security Act to extend, in certain cases entitlement to the health insurance benefits provided under title XVIII thereof to individuals who have not attained age 65 but are married to individuals who have attained such age and are entitled to such benefits; and

S. 3538. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual may elect to have any employment or self-employment performed by him after attaining age 65 excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system.

S. 3541—INTRODUCTION OF A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Mr. HRUSKA. Mr. President, I introduce, on behalf of the Attorney General, proposed amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968. I am joined by Senator EASTLAND, the chairman of the Judiciary Committee, and 22 of our colleagues, who are: Mr. ALLOTT, Mr. BIBLE, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLINGS, Mr. MILLER, Mr. PASTORE, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG of North Dakota.

I ask that the bill be appropriately referred.

THE BLOCK GRANT PROGRAM

As enacted in 1968, title I created the Law Enforcement Assistance Administration (LEAA) within the Department of Justice and authorized it to establish and administer a large-scale program of Federal grants to State and local governmental units to assist in strengthening and improving law enforcement at every level throughout the country. The LEAA program has quickly become the chief weapon in the Nation's war against crime.

The program is one of block grants, rather than categorical grants; that is, instead of making individual project grants to cities, counties, or particular law enforcement agencies, LEAA makes the bulk of its appropriated funds available in annual lump-sum grants to the States. The States then disburse the funds pursuant to comprehensive law enforcement plans prepared and adopted by State law enforcement planning agencies and approved by LEAA. These State planning agencies are maintained by annual planning grants from LEAA which pay up to 90 percent of the cost of establishment and operation, the remainder of the cost being paid from State and local funds.

Once a State has submitted a plan acceptable to LEAA, the State may then apply for annual block grants of action funds to implement the programs and projects specified in the plan. Eighty-five percent of the action funds appropriated annually to LEAA is distributed in block grants to the States on the basis of population. The remaining 15 percent is allocated among the States and local governmental units in the discretion of LEAA. Each State must subgrant at least 40 percent of its planning funds and 75 percent of its action funds to local governmental units to permit such units to participate in the State's criminal justice reform program. These grant funds may be utilized by the States and local units to pay specified percentages of the cost of programs and projects included in the States' comprehensive law enforcement plans; the remainder of the cost must be paid from non-Federal funds.

COMPREHENSIVE PLANS IN EVERY STATE

During fiscal year 1969, the first full year of LEAA's existence, acceptable comprehensive plans for criminal justice reforms were submitted by all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Planning grants totaling almost $19 million, more than $25 million in action grants, and $4 million in discretionary grants were awarded in fiscal year 1969. In addition, LEAA made $6.5 million available through its Office of Academic Assistance for studies in colleges and universities by law enforcement and corrections personnel and promising students preparing for law enforcement careers. LEAA is also involved in research on crime control and prevention through its research arm, the National Institute of Law Enforcement and Criminal Justice, which utilized $3 million for wide-ranging research projects in fiscal 1969.

The Congress appropriated $268 million for LEAA for the current fiscal year. The overwhelming bulk of these funds will flow to the cities, counties, and States to help improve police departments, court systems and corrections agencies. The allocation of $236 million announced by the Attorney General on January 19, 1970, includes $182,750,000 to States in block grants for action programs; $21 million to States in block grants for planning programs; and $32,250,000 in discretionary Federal funds, with a major part earmarked for the Nation's large cities. Also, awards have been made of $18 million to colleges and universities to finance criminal justice studies for local and State law enforcement officers; $7.5 million has been allocated to the National Institute of Law Enforcement and Criminal Justice to conduct research; $1.2 million has been allocated for Federal technical assistance to State and local criminal justice; and $1 million has been earmarked for LEAA's Criminal Justice Information and Statistics Service to be utilized by Federal, State, and local governments.

GROUNDWORK LAID FOR SIGNIFICANT PROGRESS

As the above indicates, LEAA has made an impressive start during the first year and a half of its existence. The groundwork has been laid for a comprehensive national program that promises significant progress in reducing and preventing crime and making the Nation safe for all of its citizens. Particularly promising, I believe, has been the success of the block grant concept. Prior to the establishment of LEAA, few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State in the Union has a planning agency and is well along, in active cooperation with its cities and other local governmental units, in the implementation of detailed 5-year criminal justice reform programs emphasizing State and local initiative and based upon State and local evaluations of resources, needs and priorities. In addition, some 450 local and regional planning boards have been established throughout the country to assist in title I planning. The value of this State, regional and local involvement in the national campaign to reduce crime will remain long after Federal financial assistance under title I of the act has ceased.

In addition, the bill proposes a number of amendments to the act that, on the basis of a year's experience, appear necessary to bring about better utilization of the appropriated funds. All of these amendments are explained in a section-by-section analysis submitted by the Attorney General. I ask unanimous consent that the analysis be inserted in the RECORD at the conclusion of my remarks. I shall discuss here several of the proposed changes which I consider to be the most significant.

The act presently requires that 40 percent of all planning funds and 75 percent of all action funds granted to a State under the "block grant" formula must be made available to local governmental units. In some States, this does not result in the most effective use of allocated funds. It is proposed that the act be amended to permit LEAA to waive the requirements that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating

to grants for educational purposes, it is proposed that LEAA be authorized to develop and support regional and national training programs, workshops and seminars for State and local law enforcement personnel, to provide grants for the development of college and university courses related to law enfrocement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the provision of matching local funds is required, an amendment is included specifically to provide that discretionary funds may be granted, within prescribed limitations, without matching funds. The amendment would permit LEAA to fund the entire cost of worthy programs in areas, such as Indian reservations, where matching local funds are simply not available. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

EXPANSION OF PROGRAM FOR CORRECTIONAL FACILITIES

Finally, I am especially pleased that the administration's bill proposes the expansion of the LEAA program to provide specifically for grants for the construction, acquisition or improvement of State and local correctional facilities and the improvement of correctional programs and practices. The provisions of the administration's bill are similar to S. 2875, which I introduced on September 9, 1969.

I commented at that time that the condition of the jails and prisons of this country constitutes a national disgrace to which relatively little in the way of additional effort and resources has been committed. The result of this inattention is that these institutions corrupt rather than correct, contaminate rather than rehabilitate, and thus contribute to the high rate of recidivism—the endless cycle of arrest, imprisonment, release and rearrest—which has plagued us for so long.

It is time that the Nation faces up to the fact that the outdated and outworn institutions must be replaced, and that facilities must be created where they are presently lacking. The unpleasant truth is that for years to come we will continue to send hundreds of thousands of juveniles, youths, and adults to institutions of various kinds. If we are ever to make any significant inroads on the problems of crime and delinquency, we must establish a system of institutions where it is possible to provide modern and effective programs of rehabilitative treatment.

Some small effort at reform has been made. Under the Omnibus Crime Control and Safe Streets Act of 1968, resources are made available for the improvement of prison facilities. But they are not enough, for under the present provision of the act the bulk of the funds rightfully is committed to a wide range of law enforcement activities. Only token sums so far have been applied to correctional construction purposes.

Pursuant to the proposed amendment, hopefully large sums of money would be earmarked specifically for correctional purposes. Allocation of the funds would follow the same formula as in part C of the present act. Eighty-five percent of the annual appropriation would go directly to the States in the form of block grants, based on the relative population of each State. The remaining funds would be allocated by the administrators of the Law Enforcement Assistance Administration to projects where additional assistance is particularly urgent.

The States would obtain these funds in the same way they now obtain block grants under the Safe Streets Act, by incorporating their requirements in the same comprehensive law enforcement plans that they now submit to the Law Enforcement Assistance Administration. The projects to be funded under this amendment would meet certain basic criteria to be worked out jointly by the Law Enforcement Assistance Administration and the Federal Bureau of Prisons. These criteria are intended among other things to assure that the design of new facilities would be economical and provide adequately for rehabilitative treatment programs.

LEAA BEST AGENCY FOR ADMINISTERING BILL

I am convinced that the Law Enforcement Assistance Administration provides the best procedure for administering the provisions of this bill. The machinery is already established and functioning. The States would retain the responsibility for their own planning and for setting their own priorities. Also, the Law Enforcement Assistance Administration, under its existing authority, is already encouraging the development of modern correctional programs, which include prototypes and models for correctional institutions. The additional provisions contained in this bill fit very properly into this effort.

Mr. President, the fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was needed and is one with which the States were ready to proceed. I believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goals of reducing crime and making the streets safe again. I am hopeful, therefore, that this bill will receive the early consideration of the Congress.

I ask unanimous consent that the text of the bill, the letter of transmittal from the Attorney General to the Vice President and analysis be printed at this point in the RECORD.

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

The bill (S. 3541) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, introduced by Mr. HRUSKA (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3541

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 "Omnibus Crime Control and Safe Streets Act Amendments of 1970."

SEC. 2. The Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) is amended as follows:

(1) Subsection (c) of section 203 is amended by inserting the following before the period at the end of the first sentence: ": *Provided,* That the Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement responsibilities of the State and its units of general local government or that adherence to the requirement would not contribute to the efficient development of the State plan required under this part".

(2) Subsection (c) of section 301 is amended to read as follows:

"The portion of any Federal grant made under this section used for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section used for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided,* That no funds granted under this section shall be used for land acquisition."

(3) Subsection (d) of section 301 is amended by changing the word "part" in the first sentence to "section"; by inserting before the word "personnel" in the first sentence the words "police and other regular law enforcement"; and by adding the following immediately before the period at the end of the final sentence: ", nor to the compensation of personnel engaged in research, development, demonstration or other short-term programs".

(4) Paragraph (2) of section 303 is amended by adding the following before the semicolon:

": *Provided,* That the Administration may waive this requirement, in whole or in part, upon a finding that adherence to the requirement, in whole or in part, upon a finding that adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purposes of this part"

(5) Section 306 is amended to read as follows:

"SEC. 306. (a) Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States according to their respective population for grants to the State planning agencies of such States. The remaining fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of section 509 to the grant to any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies or used by the Administration for grants or contracts for the purposes of this title to units of general local government, public or private agencies, State or local law enforcement officers or agencies, institutions of higher education, or combinations of the foregoing, according to the criteria and on the terms and conditions the Administration

determines consistent with this title: *Provided,* that no funds under this section shall be used for land acquisition: *Provided further,* that 30 per centum of the funds to be utilized as the Administration determines shall be allocated for projects receiving at least 25 per centum non-Federal funding.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States for grants to their State planning agencies or for grants under the second sentence of subsection (a) of this section."

(6) Section 406 is amended as follows:

(a) By striking the phrase "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof the phrase "in areas related to law enforcement or suitable for persons employed in law enforcement";

(b) By striking the words "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books and fees"; and

(c) By adding at the end of the section the following new subsections:

"(d) For the purposes of Section 1781 of Title 38, United States Code, no grant or loan made under this section shall be considered a duplication of benefits, and for the purposes of any program assisted under Titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan made under this section shall be considered income or resources.

"(e) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(f) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curricula.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(7) At the end of Part D, the following new section 407 is added:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the States and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

(8) Parts E and F are redesignated Parts F and G, respectively, and the sections thereof renumbered 601 through 622, and 701, respectively, and the following new Part E is inserted immediately after section 407.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 501. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction acquisition and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 502. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 504, incorporate its application for that grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 503. The Administration is authorized to make a grant under this part to a State planning agency if the agency has on file with the Administration a comprehensive State plan which conforms with the requirements of section 303 of this title, and, in addition—

"(1) sets forth a comprehensive statewide program for the construction, acquisition or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that any part of the cost of any program or project which under the basic criteria established by the Administration cannot be paid from Federal funds, will be paid from non-Federal sources;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(6) sets forth policies and procedures designed to assure that the Federal funds made available will not supplant State or local funds, but will supplement and, to the extent practicable, increase the amounts of funds that would, in the absence of Federal funds, be made available for the purposes of this part;

"(7) sets forth procedures under which the State planning agency shall not finally disapprove an application for funds from an appropriate agency of any unit of general local government within the State without first affording the agency reasonable notice and opportunity for a hearing; and

"(8) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis.

"SEC. 504. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria to be applied by the State planning agencies under sections 502 and 503. In addition to other matters the basic criteria shall provide—

"(1) the general manner in which a State planning agency shall determine priority of projects based upon (a) the relative need of the areas within the State for correctional facilities, (b) the relative ability of the recipient agency in an area to support a program of construction and operation of the facilities, and (c) the extent to which the project contributes to an equitable distribution of assistance under this part;

"(2) general standards of design, construction and equipment for correctional institutions and facilities for different types of offenders; and

"(3) the proportions of the costs of various programs and projects, and component elements thereof, which may be paid from Federal funds.

"SEC. 505. Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for grants to the State planning agencies of the States, pursuant to Section 503. Such funds may be used to pay up to 75 per centum of the cost of programs or projects specified in the applications for such grants. The remaining fifteen per centum of the funds appropriated for this part may, in the discretion of the Administration, be allocated among the States for grants to the State planning agencies or used by the Administration for grants or contracts for the purpose of this part to units of general local government or other appropriate grantees or contractors, according to the criteria and on the terms and conditions the Administration determines. No funds awarded under this part shall be used for land acquisition.

(9) Section 608 (as redesignated by this Act) is amended by inserting the following before the period at the end of the section:

", and to receive and utilize, for the purposes of this title, funds or other property donated or transferred by other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education or individuals".

(10) Section 617 (as redesignated by this Act) is amended to read as follows:

"SEC. 617. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate for GS–18.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate for GS–18, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

(11) Section 619 (as redesignated by this Act) is amended by deleting the word "August" and inserting in lieu thereof the word "December".

(12) Section 620 (as redesignated by this Act) is amended to read as follows:

"SEC. 620. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title. Funds appropriated for any fiscal year shall remain available for obligation until expended."

(13) Section 701 (as redesignated by this Act) is amended by adding the following new subsection:

"(1) The term 'correctional institution' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

SEC. 3. Subsection (c) of section 5108 of

title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(10) The Law Enforcement Assistance Administration may place a total of 25 positions in GS–16, 17, and 18."

The letter and analysis, presented by Mr. HRUSKA, are as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 17, 1970.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

Title I of the Omnibus Crime Control and Safe Streets Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to effectuate the declared policy of the Congress "to assist State and local governments in strengthening and improving law enforcement".

The LEAA has made an impressive start during the first year of its existence, fiscal year 1969. During this year the groundwork has been laid for a comprehensive national program which promises significant progress in the reduction and prevention of crime in the years to come. For example:

Acceptable comprehensive plans for criminal justice reforms were submitted to LEAA by all 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

LEAA awarded grants of almost $19 million for the development of State plans and more than $25 million for implementation of these plans.

LEAA made $6.5 million available for studies in colleges and universities by law enforcement and corrections personnel.

The National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, utilized $3 million for wide-range research projects on crime control and prevention.

State participation is especially significant in light of the fact that prior to the establishment of this program few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State has a planning agency and is actively cooperating with its cities and other units of local government.

Our experience during this year has indicated that several amendments to the Act would bring about better utilization of the appropriated funds. Also, since the basic Act carries appropriation authorization only through fiscal year 1970, it is now necessary to provide for subsequent appropriations. The enclosed legislative proposal would amend the Act to achieve these purposes.

All of tne amendments are explained in the section-by-section analysis accompanying this letter, but the following represent the most significant changes proposed.

The Act presently requires that 40% of all planning funds and 75% of all action funds granted to a State under the "block grant" formula must be made available to local governmental units. This does not always result in the most effective use of allocated funds. We propose that the Act be amended to permit LEAA to waive the requirement that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating to grants for educational purposes, we propose that LEAA be authorized to develop and support regional and national training programs, workshops and seminars for State and local law enforcement personnel, to provide grants for the development of college and university courses related to law enforcement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the use of matching local funds is required, we propose an amendment specifically to provide that discretionary funds may be granted, within prescribed limitations, without matching funds. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

Finally, an effective corrections system has an important place in any plan for crime control. Consequently, we are proposing the expansion of the LEAA program to provide specifically for grants for the construction, acquisition or improvement of State and local correctional facilities and the improvement of correctional programs and practices. The criteria for the awarding of grants to States would require assurance that the programs and projects funded would incorporate advanced techniques in design and advanced practices in personnel standards and programs.

The fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was not only needed, but that it is one with which the States were ready to proceed. We believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goal.

The early introduction and prompt consideration of this legislation is requested.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

_____ _____,
Attorney General.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AND FOR OTHER PURPOSES

SEC. 1. Enacting and title clause.

SEC. 2. Amendments to the Omnibus Crime Control and Safe Streets Act:

(1) *Amendment to section 203(c).* This amendment would permit LEAA, in its discretion, to waive the requirement in section 203(c) that each State planning agency assure that at least 40 per centum of all planning funds granted to it by LEAA for any fiscal year will be made available to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan.

(2) *Amendment to section 301(c).* This amendment recasts the language of subsection (c) of section 301 to make it clear that the various percentage limitations on Federal expenditures set forth in the subsection apply only to block grants to State planning agencies made under section 301, and not to discretionary grants made under section 306.

(3) *Amendment to section 301(d).* This amendment complements amendment (2) by changing the word "part" in the first sentence of section 301(d) to "section" so that the limitations on the use of block grant funds under that section to compensate law enforcement personnel will not apply to discretionary grants under section 306. The remaining changes made by the amendment are intended to make it clear that the personnel compensation restrictions set out in the section are limited. The amendment would provide that the use of grant funds for the salaries of personnel engaged in research, development, demonstration projects, or short-term programs would not be subject to the limitations set forth in section 301(d). They would, however, remain subject to the State and local matching fund requirements set forth in section 301(c).

(4) *Amendment to section 303(2).* This amendment is a companion to amendment (1). It would permit LEAA to waive, in appropriate cases, the requirement that 75 per centum of the action funds granted to a State for a fiscal year be made available to local units of government to permit them to participate in the implementation of criminal justice reform programs.

(5) *Amendment to section 306.* This amendment would modify the present language of section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize the 15 per centum discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of title I. Of the discretionary funds, 20 per centum may be utilized to finance programs or projects in their entirety. No other grant may be for more than 75 per centum of the cost of the program or project.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. LEAA would be permitted to use such unclaimed funds for grants under part C to other State planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

(6) *Amendment to section 406.* This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies who are either employed in law enforcement or are students desiring to pursue law enforcement careers.

Amendment (a) would conform the language in subsection (b) describing the types of degree and certificate programs that qualify under the loan provisions, with the language of subsection (c), describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases, as they should be.

Amendment (b) would amend the grant subsection to permit grant funds to be used for the purchase of books as well as for tuition and fees.

Amendment (c) would add three new subsections to section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security benefits.

New subsection (e) would authorize LEAA to authorize loans and grants (and forgiveness and cancellation benefits) for persons employed or preparing for employment as full-time teachers of courses related to law enforcement.

New subsection (f) would authorize LEAA to make grants for the development and revision of programs of law enforcement education and for the development of curriculum materials.

(7) *Addition of a new section 407.* This amendment would add a new section authorizing LEAA to develop and support regional and national training programs and training teams to instruct State and local law enforcement personnel in improved methods

of law enforcement. The section would provide explicitly that LEAA's training activities would not duplicate those of the Federal Bureau of Investigation under section 404.

(8) *Addition of new Part E concerning correctional institutions and facilities.* This amendment would add a new part to title I to establish a specific program of grants for the purpose of the construction, acquisition and renovation of correctional institutions and facilities and the improvement of correctional programs.

(9) *Amendment to section 508.* This section is redesignated section 608, and is amended to authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources.

(10) *Amendments to section 517.* This section is redesignated section 617, and is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees, and to provide that the technical consultants and committees may be appointed without regard to the civil service and classification laws. The amendment would also provide a maximum daily rate of compensation for consultants and technical committee members not to exceed the daily equivalent of the rate for GS–18.

(11) *Amendment to section 519.* This section is redesignated section 619, and as amended would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31.

(12) *Amendment to section 520.* This section is redesignated section 620, and would authorize the appropriation of funds for fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of title I. The amendment would also add a provision permitting funds appropriated for LEAA to remain available until expended.

(13) *Amendment to section 601.* This section is redesignated section 701, and the amendment would add a definition of "correctional institution".

SEC. 3. This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS–16, 17, and 18.

Mr. TOWER. Mr. President, I am very pleased to join today with my distinguished colleague from Mississippi (Mr. EASTLAND) and my distinguished colleague from Nebraska (Mr. HRUSKA) in cosponsoring the Omnibus Crime Control and Safe Streets Acts Amendments of 1970. Mr. EASTLAND and Mr. HRUSKA have already gone into the details of this measure, and I will not elaborate on their fine work at this point. Nevertheless, I think that it is urgent that we thoroughly consider the full implications of this program.

In 1968, we here in the Senate overwhelmingly approved, after a lengthy debate, the Omnibus Crime Control and Safe Streets Act of 1968. The passage of this measure was in a large way a response to the great upheavals that we were experiencing at that time. I think that it is significant to note that since that time, while we have had some unnecessary and destructive upheavals in this country, the tone and the severity and the numbers of these disorders have been far less than previously experienced. I do not ascribe this situation directly to the measure of 1968, but I think that it would be untrue to say that it was not a great aid in controlling the situation.

Particularly the Law Enforcement Assistance Administration—LEAA—has been instrumental in helping the State governments to deal with problems of crime, both organized and unorganized. The LEAA has awarded grants to the agencies of the several States for both planning and development as well as for actual agency operation in the amount of some $44 million. From the statistics and testimony that are available, this seems to have been money well spent. It has aided the States to become more professional in their fight to protect the law-abiding citizens of the Nation.

Mr. President, now that this measure has proven its efficacy, we should move to make even more sound the LEAA. The amendments proposed would allow LEAA to develop and support regional and national training programs for State and local law enforcement agencies. Likewise, LEAA could assist colleges and universities in developing courses and programs in the field of law enforcement. These programs, where they have previously been instituted on a small scale, have proven themselves to be highly effective in producing a more efficient and understanding policemen. I specifically endorse this proposal and deem it of the highest priority.

Further, these amendments would waive in certain instances the necessity of a locale providing matching funds in order to participate in these programs. This is important because certain locales, in many instances the most needy locales, simply cannot afford to put up a share of the money that these programs cost. Until our proposal for revenue sharing is finally implemented, I believe that it is highly necessary that everyone be given the opportunity to participate; the Nation needs sound and reasoned law enforcement in every section, not just in those which currently have a surfeit of funds.

Mr. President, these amendments do contain a rather controversial section on direct grants of funds to cities which would waive the requirements that a set percentage of funds granted under this measure must go to the State government involved. Mayors in many major cities in the Nation have testified that they simply are not receiving their "fair" share of the moneys provided and are being slighted by their State governments. I believe that this is one area the Judiciary Committee must examine very carefully in its hearings. I personally am sending a letter to the Governor of the State of Texas and the mayors of the 25 largest cities in the State to obtain their feelings on this provision. When the facts are in from my State, I will make a report to the Senate and will, of course, make this information available to the Judiciary Committee for their use. Until the facts on this matter are in, I must reserve judgment. We must give the issue further study.

Therefore, Mr. President, with the one exception which I have noted, that with the capability and vigor of the Judiciary Committee I am confident can be solved, I am looking forward to the early passage of this important piece of legislation. Under the direction of President Nixon, we are making progress in the fight against crime; we have a good program that we can make better. I hope that everyone will join with the Judiciary Committee in making the hearings on this matter meaningful so that a good, strong measure will emerge which will again receive overwhelming support.

ADDITIONAL COSPONSORS OF BILL

S. 3466 THROUGH S. 3472

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3466 through S. 3472, the environmental control bills.

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

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 3522) to provide for the efficient disposal of motor vehicles, and for other purposes.

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

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 544

Mr. SCOTT (for himself, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. DODD, Mr. FONG, Mr. KENNEDY, Mr. MATHIAS, and Mr. TYDINGS) proposed amendments to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were ordered to be printed.

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

ANNOUNCEMENT OF WATER POLLUTION HEARINGS BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, on March 25 and 26 the committee will hold public hearings on water pollution in the National Capital region. The hearings begin at 9:30 a.m. in room 6226 of the New Senate Office Building. The committee will discuss the following topics:

The extent, sources, and costs of water pollution in the National Capital region;

The institutional, financial, and legal means required to restore water quality in the area;

Preliminary steps that could be taken at once to improve the region's water quality;

The scope and adequacy of Federal, State and local programs to abate water pollution as they pertain to the National Capital region;

The problems in achieving water quality caused by the Washington metropolitan area's unique governmental structure;

A review of past efforts and accomplishments, including unheeded prior recommendations and unfulfilled commitments;

The impact of the administration water pollution proposals on the National Capital region; and

The special problems of Rock Creek, Blue Plains, and the Anacostia River.

Witnesses are required to submit to Mrs. Edith Moore of the committee, room 6218, New Senate Office Building, 75 copies of their written testimony by noon, March 24. Because of the large number of people wishing to testify, witnesses are requested to be prepared to present a 5- to 10-minute verbal summary of the statement. Any questions about the hearings should be directed to Mr. Terence Finn at 225–4524.

ADDITIONAL STATEMENTS OF SENATORS

SPECIAL MILK PROGRAM

Mr. YOUNG of North Dakota. Mr. President, the recent proposal to terminate the special milk program is one that, in my opinion, would be a step backward in our efforts to improve the nutritional standards of all Americans.

Since its inception in 1954, the special milk program has fostered improved dietary habits and improved nutrition for millions of children. Today, over 17 million children participate in this program.

As an indication of the support for this program in Congress, the House of Representatives has approved legislation extending and expanding the authorization. The House vote on this was an overwhelming 384 to 2.

We continually hear of the need to improve nutrition among the people of the Nation. Just a few days ago the Senate approved legislation to vastly increase the school lunch program. We have approved legislation to greatly expand the food stamp program. To discontinue a program that has proved so valuable and well accepted simply would not make sense in light of our other increased efforts in this area.

I share the concern over the need to practice governmental economy wherever possible, but I do not feel that this is the place to do it. I am hopeful that the legislation extending the special milk program will be approved by the Senate and that the funds needed to carry it out will be approved.

FORCED INTEGRATION IS IMMORAL

Mr. BYRD of West Virginia. Mr. President, a very perceptive article on forced integration appeared in the Wall Street Journal on February 26. It was written by Vermont Royster, the editor of the newspaper.

In his article, he says:

> We have tried to apply to our schools the methods we would not dream of applying to other parts of our society.

Forcing children to do what no bureaucrat would probably have the temerity to attempt to force adults to do is immoral, Mr. Royster contends, and I think his point is well taken. He says:

> In fleeing from one moral wrong of the past, for which we felt guilty (forced segregation), we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

This is indeed the tragedy. The damage that is being done to our children, Negro and white, as well as to our public schools by impractical doctrinaire, pseudoliberal experimentation is incalculable. Our society will be reaping a bitter harvest from the attempts to enforce school integration for years to come.

The article by Mr. Royster should be widely read. I believe Senators will find it of considerable interest.

I ask unanimous consent that the article, entitled "Forced Integration: Suffer the Children," be printed in the RECORD.

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

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is that way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the laws, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do no have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhap black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper number of black families? Or, in the second instance, do we by law prohibit some of the white

families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. It is moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

ADDRESS BY THE VICE PRESIDENT BEFORE TRUNK AND TUSK CLUB

Mr. GOLDWATER. Mr. President, last week it was the pleasure and honor of the Trunk and Tusk Club, a Republican fundraising organization, to have had the Vice President of the United States, SPIRO AGNEW, address them.

This speech covered the legal and ethical questions of the Chicago trial. It was so well done that I would like to afford Senators the opportunity of reviewing it. I ask unanimous consent that the speech be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT

The gathering here in Phoenix, Arizona, is a partisan one. We can be justly proud of our partisanship for President Nixon has accomplished much in the past year.

It is tempting—and indeed it may be fitting—to give a partisan speech before a partisan audience. Tonight, however, I would like to forgo that temptation and talk to you and all Americans about a national problem.

I refer to calculated assaults on our last bastion of individual rights, the administration of justice.

The trial of the Chicago Seven—or eight, as the original docket read—has now been concluded. The jury has reached its verdict, the judge has passed sentences, and the appeal procedure has begun.

This trial served as the stormy footnote to the turbulent 1968 Democratic National Convention. The trial itself should have tested the constitutionality of the 1968 Civil Rights Act. I say should have because that issue may have been obscured by the contest of personalities and a script written for drama rather than the administration of justice.

I do not intend to comment on the conduct of the trial nor the finer points of law. The point is not what these particular men—judge, advocates, defendants and spectators—did in this particular time. What is significant is what disruption does at all times to the system of justice.

I contend that if our courts are not sanctuaries of dispassionate reason we cannot have justice. We cannot have social or civil progress. Emotional demonstration and guerrilla theatre must end at the court house door. The rights of petition and assembly do not extend into the halls of justice although they are appropriate when lawfully exercised outside. Within the courtroom, dissent must be orderly and supported by logic. The rule is persuasion, not intimidation.

As Supreme Court Justice Hugo L. Black cautioned in 1966:

"Once you give a nervous, hostile and ill-informed people a theoretical justification for using violence in certain cases, it's like a tiny hole in the dike; the rationales rush through in a torrent, and violence becomes the normal, acceptable solution for a problem. . . . A cardinal fact about violence is that once initiated it tends to get out of hands. It's limits are not predictable."

A corollary conclusion is . . . violence rewarded breeds further violence and perpetual violence ultimately produces a brutal counterreaction.

Civil disobedience, at best, is a dangerous policy, since it opens the path for each man to be judge and jury of which laws are unjust and may be broken. Moreover, civil disobedience leads inevitably to riots, and riots condoned lead inevitably to revolution. This is a clear and present danger today.

"Justice is founded in the rights bestowed by nature upon man. Liberty is maintained in the security of justice." These two sentences are inscribed on a wall of the Justice Department building in Washington. I do not believe the first sentence is true.

I doubt that justice is founded in the rights of nature, because we know that nature is not always just. Each generation of youth discovers the beauty of nature anew and is stunned by the magnitude of it, perhaps to the extent of confusing beauty with justice. Yes, nature is beautiful. But it can also be brutal and predatory.

We might ask what justice exists in the jungle where carniverous animals devour the weak and gentle? What justice is there in life where disease often cripples and kills the young and good?

What we regard as justice today does not exist by virtue of nature, but by the free will of mankind. Justice began the day we rejected the nature of savages and started something called civilization. Civilization progressed as we challenged and contested with the bestiality in ourselves. It advanced as we began to conquer the natural forces of fire, flood, famine and disease.

No, I do not believe that natural rights or human rights or even legislated rights can flourish without sufficient definition and protection under a judicial system.

For so long as we have free will, so long as we attempt to separate right from wrong, we are contributors to our own destiny or our own doom.

No natural or human right is enforceable except as a civil right. It is only when society acknowledges it as a right and backs it by the power of the state and the respect of a majority of its responsible citizens that that right exists.

If we consider the time it has taken civilization to progress from primitive savagery to sophisticated jurisprudence, we realize some amazing facts. Five hundred million years of evolution preceded the present state of civilization. Barely 2,500 years have passed since the early laws of Moses and Hamurabi established the foundations of justice. Only seven centuries ago, the Magna Carta produced the principle that a nation and its leaders would "deny justice to none, nor delay it."

So those who condemn civilization for not having moved fast enough are wrong. At the same time those who would be complacent are just as wrong. A look at Nazi Germany, Communist China or Castro's Cuba proves that ten centuries of civilized progress can be destroyed overnight.

If civilization is still a veneer, then civilized justice clearly requires constant, tender and protective care. Out of progress have come some painful lessons. We have learned that there must be a framework for justice. In America, the Constitution provides the ground rules for freedom, justice and order. The Constitution establishes basic rights and in doing so imposes corresponding responsi-

bilities. The Constitution also establishes a representative government empowered to enact laws and Courts which may rule on them.

Laws may conflict with other laws and with constitutional rights. Constitutional rights supersede laws. The Courts alone can resolve these conflicts. They stand independent of all other branches of government. Federal court judges are appointed for life to secure their personal independence from past, present and future influences. Society has encased its courts in these protective layers because it values justice. Justice depends on dispassion and compassion as well a knowledge of the law. But passion has no place in the courtroom. Raw passion has never contributed a thing to the administration of justice.

Nor has pressure. The citizens of this country are free to pressure Congress. They may petition and parade and protest before the President. They may howl and yowl and tax our patience. But when they move open rebellion into the court room, they remove from our midst all hope of justice.

The case of the Chicago Seven proves this point. The trial could have provided a significant test of the constitutionality of the 1968 antiriot law.

As it happened, the outrageous courtroom conduct totally obfuscated the constitutional question. Instead of a clear test of law we saw a perverse display of arrogance, vilification and childish braggadocio.

The Chicago Seven were not interested in the Constitution nor in improving justice. Defendant Abbie Hoffman said, "this trial isn't about legal niceties. It's a battle between a dying culture and an emerging one."

Except for one traumatic lapse, the Civil War, our culture has peacefully evolved for 181 years at an almost revolutionary speed. We have moved from a concept of "laissez-faire liberty" to a recognition that liberty requires continuous care. We have learned that it is not enough to say all men are equal and all enterprise, free. We must assure equal opportunity and secure fair play.

During the course of this century alone we have restricted the "anything goes liberty," which led to robber barons and watered stock; which permitted monopolies and prevented labor unions. We have advanced individual liberty by providing social security, unemployment insurance, collective bargaining, medicare and medicaid. We have struck down laws giving sanction to discriminatory practices. We have witnessed an unprecedented—and some feel excessive—protection of individual liberties. Moreover, and perhaps more importantly, we have enacted laws affording equal opportunity where the motivation was humanistic and compassionate, not legalistic.

This peaceful revolution has, to a great extent, been the product of our courts. The Courts are the operating rooms of freedom where cancerous invasions of individual and group rights are excised by trained judicial surgeons so that the patient—our free society—can survive. And while the operation is performed on an antiseptic atmosphere, the patient does not remain in quarantine. He returns to everyday life strengthened and more vital.

Our courts do not need lectures from self-appointed social critics. They do not need the antics of the guerilla theatre. They do not need lawyers who confuse themselves with disciples of a new cult. They do need skilled advocates to be catalysts to the cause of justice and reporters who have not predetermined the guilt or innocence of the accused.

The Courts have been put above and beyond the rough and tumble for a reason. The Judicial branch does not represent a majority nor a minority, but all society past, present and future. Elected officials in the Executive and Legislatve branches are directly responsible to their electorate, they are subject to pressure. The Judiciary is independent. The Supreme Court is responsible to its own conscience and to posterity. The Courts are a bastion in defense of individuals and minorities. But decisions are made to favor the majority not the minority but to fairly interpret the Constitution and laws of the United States.

The case of the Chicago Seven concerns neither the rights of the majority nor the minority. It concerns the right of society to be protected against a mob. It points once again to the dangerous confusion between a minority and a mob. A responsible minority has rights and any law-abiding political minority has the right under our Constitutional system to persuade our people to make it a majority.

A mob represents neither a political majority nor a minority. A mob is a mob—unruly, mindless, passionate, inchoate, coercive and oppressive. It represents only a dangerous threat to democracy, individual civil rights and progress. It invites tyranny and repression.

Today's left-wing extremists like to invoke the revolutionary principles of our nation's founding fathers as their precedent. There is no parallel. That is the New Left's Big Lie.

The founding fathers rebelled against a system which deprived them of the right to be represented and the right to dissent. Today's revolutionary has both of these rights. But lacking a constructive purpose, he finds no logical way to bring others to his point of view. So he engages in destruction for the sake of relieving his frustration with himself.

The founding fathers proposed a positive system of government . . the most superb social organization in human history. Today's radical thought is solely negative and nihilistic in content.

Those who advocate revolution and those who encourage them pervert the ideals of our founding fathers and distort the facts. Those who smash windows and seize university buildings destroy by their injustice whatever justice their cause ever had.

If we confuse these people with legitimate political minorities, we do a cruel disservice to every minority group in this country.

If we romanticize the revolutionary's role in present America, we diminish the efforts of every responsible, conscientious citizen.

If we capitulate before their terroristic tactics, we endanger the fabric of our freedom.

We stand at an extraordinary moment in our nation's history—a moment which demands nobility from ordinary men.

We are challenged to exercise calm in the face of moral outrage.

We must enforce the law with dispassion and disregard the provocation of passion.

We must distinguish the mob from the minority and not find any minority guilty for the sins of a mob.

We must not tolerate abuse nor violence by a mob yet continue to assure the rights of petition and public assembly.

These are formidable challenges for humans without inexhaustible patience. In a time of incessant confrontation, it is all too easy to begin to hate. It is all too effective to initiate repressive measures. Yet, if we fall prey to hate and repression, the mob has won. Destroying a mob is relatively easy; the difficulty lies in not destroying ourselves.

One of the wives of the convicted Chicago defendants said, "we will dance on your graves." We cannot let this happen anymore than we can permit our court rooms to become circuses; our campuses, bedlams; our streets, battlegrounds.

We are not going to retreat to Dark Age repression and we cannot go forward to enlightenment without sanity and reason.

So we are going to stand our ground with patience and dignity.

The months and years ahead will not be easy. But no one has ever said that freedom was easy. And I am confident that our culture will emerge stronger and wiser for the test.

Confrontation is not novel to our citizens, only its form is new. We have faced dictators before . . . only they had foreign accents. Now we face an enemy within, and, as Abraham Lincoln said: "If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide."

Ladies and gentlemen, suicide is alien to the American spirit. Ours is the spirit of John Paul Jones; we "have not yet begun to fight."

THE SALT NEGOTIATIONS—PROSPECTS FOR LIMITING THE ARMS RACE

Mr. SYMINGTON. Mr. President, recently Mr. Boris Yarochevsky, correspondent for the Soviet Union Tass news agency interviewed me here at the Capitol and I took the liberty at that time to give him my thoughts about the possibilities of improved relationships between his country and the United States.

In view of the objective reporting of my statement, I ask unanimous consent that the Tass news story be inserted at this point in the RECORD.

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

STATEMENT BY SENATOR SYMINGTON

(By Tass Correspondent B. Yarochevsky)

WASHINGTON, February 20.—The idea about the need to establish control over arms race is gaining ground among the wide circles of U.S. public and is ever stronger supported by U.S. Congressmen.

Senator Stuart Symington gave an interview to a Tass correspondent in which he commented on the strategic arms limitation talks between the Soviet Union and the United States that will be resumed in April in Vienna. Senator Symington said that these talks provide an excellent opportunity to start tackling the problem on which the destiny of entire mankind largely depends. If we fail to stop the dangerous and costly race of missile and nuclear armaments the history might not give us another such chance he said.

We pin great hopes on the talks with the Soviet Union, Symington said. If further and even more dangerous spiralling of the arms race is prevented, more funds, efforts of the best scientists and material values will be given to the improvement of life of our peoples and the solution of the problems facing mankind.

The Senator said that the talks in Vienna must provide basis for the improvement of relations between the peoples of the Soviet Union and the United States, must help remove distrust and suspicions. The fact that every one of the two countries can destroy the other binds us to approach the program of arms limitation with complete responsibility and with the awareness of its importance for the destinies of our peoples and entire mankind.

ENVIRONMENTAL QUALITY

Mr. SCOTT. Mr. President I always felt that the fight for environmental quality

must be a cooperative venture. Citizens, all levels of government, and private industry must recognize the problems and work hand in hand to solve them. Armco Steel Corp. with large plants in Pennsylvania has shown a willingness to move forward. I ask unanimous consent to reprint in the RECORD the attached letter from Mr. C. William Verity, Jr., president of Armco Steel Corp., and excerpts from Armco's booklet describing its pollution control efforts.

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

ARMCO STEEL CORP.,
Middletown, Ohio, February 18, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: The spotlight of national publicity has created increased public awareness of the serious problems of air and water pollution. But the picture is not all dust and dirt, smog and grime.

Armco and many other companies have been quietly meeting and solving pollution problems for years. Armco is committed to clean water and clean air at all of our operations. We are sincerely proud of our accomplishments and would like you, as a concerned public official, to know where we stand as we enter the 1970's.

Since we launched our accelerated air and water pollution control program in 1964, Armco has invested about $75 million in equipment to improve our environment. Several of our major plants are now virtually pollution-free. By the end of this year or early in 1971 every Armco Steel plant will be operating new facilities to control air and water quality.

Our efforts in this important fight are now gaining increasing national recognition. A few days ago the National Society of Professional Engineers selected the air and water pollution systems at our Middletown, Ohio Works as "one of the outstanding engineering achievements of 1969."

Enclosed is our new booklet which contains a progress report and our commitment to bring our share of industrial pollution under full control.

We would be happy to have your comments, suggestions and support in this challenging, costly, but vital long-range effort.

Sincerely,

BILL VERITY.

ARMCO STEEL CORP.

There was a time when clear-water creeks and a walk around the block for a fresh breath of air were taken for granted in this country.

No more. "Unsafe for Swimming" warnings and dust-stained sidings are becoming signs of the times.

What went wrong? Nothing—and everything. We just found that we could live a whole lot better if the things we need could be mass produced. That resulted in the industrial revolution.

Smoke-filled skies were once a sign of prosperity. Now they're a sign of destruction. As a result, millions of Americans are now concerned with the pollution prosperity built.

This booklet is a progress report that was created to show you how one company—Armco—has set about to analyze and correct its part of the growing problems of air and water pollution.

We're proud of the distance we've come, and we're determined to continue this costly and difficult job until we can report that pollution at Armco has been licked.

There is still a lot of work to be done. But we feel it's important that you realize that pollution abatement to Armco isn't just a couple of nine-letter words.

They're fast becoming a very large reality. A reality that had already cost Armco over $97 million by the end of the 1960's. To eliminate all existing sources of pollution will require an additional $50 million.

A reality which commands the talents of engineers, research scientists and operating employees working around the clock to correct old problems and make sure we don't create new ones. Consistent with Armco's policy, all new facilities will be built with the best available air and water pollution abatement equipment.

Wordsworth said, ". . . and 'tis my belief that every flower loves the air it breathes." It is our belief that you and your family and their families for generations to come should be able to breathe the air they love.

BUTLER WORKS

A remarkable example of the tendency of man to pollute his environment was found in the earliest existence of the Grecian city of Troy. Archeologists say that the people of Troy merely dropped their food scraps on the floor (bones and everything else apparently) and went on living on top of them. Gradually the floor level rose and eventually the door would not open. Their solution? They merely adjusted the door.

Armco's pollution abatement started 40 years ago at the Butler, Pa., Works. As early as 1929, the plant safely pumped mill waste to large settling basins. An acid neutralization plant came along in '37 and a second pickle liquor treatment facility was installed in 1943.

In 1953, management authorized an experimental water clarifier that served as the forerunner of many of today's modern clarification techniques.

At the start of the '70's, Butler Work's six old open hearth furnances are part of the dusty past.

In October, 1969, Butler began operation of a modern electric furnace shop. The new, bright blue shop is complete with high energy scrubbers which wash dirt particles from the air.

Very clean air, however, often results in very dirty water. So Butler engineers literally had to move mountains to make room for the second of three water clarification units. Engineers whacked the tops off a couple of good sized Pennsylvania hills before they had room to locate their electric shop and new anti-pollution equipment.

All-in-all, the effort Butler Works has put into pollution abatement has underwritten the future of the lush, green country that surrounds the plant and nearby Connequenessing Creek. As of November 1969, this plant ranked among the cleanest industrial plants in the world.

AMBRIDGE WORKS

The Ambridge, Pa., Works is located on the banks of the Ohio River where the river defies common knowledge and flows north. North, that is, before it starts winding its way 1,000 miles to the south, bound for the Gulf of Mexico.

Ambridge Works hasn't really ever had to worry about population. The smoke that once rose from a lone power plant stack was brought under control in 1962 by a "dry cyclone" dust remover.

Water problems were eliminated from the plant two decades ago. Today, water that isn't cleaned and recirculated is allowed to settle clear, then skimmed free of oil before being allowed to flow back into the Ohio—well above state standards for water purity. There are now no polution problems at Ambridge.

THE FUTURE

But what of the future? In nature there's neither reward nor punishment—just consequences. Armco therefore, has chosen to attack the pollution problems of the future instead of sitting on its abatement laurels.

For example, Armco now has a special section of research and technology devoted to fundamental studies in pollution abatement.

A new process for separating waste oils that was developed in this laboratory is now being successfully used in full-scale operation.

When Armco engineers design any new facility, they automatically build in ample pollution controls. No more clean-up and add-on.

Armco scientists devote themselves to pollution problems far in the future. Take noise pollution. Instead of building, then correcting inherent noise problems, our scientists and engineers are striving to design noise-free facilities.

Then there's the problem of by-products. Today the disposal of solid residue is a continuing operating cost, but research is underway to develop means of reusing some of these by-products to help defray a part of the cost of pollution abatement.

One of the steel industry's remaining unsolved pollution headaches is that of periodic emissions of gas and smoke from coal coking operations. The company is working with other steel companies, universities and the government to develop reliable control techniques to solve this difficult operating problem. Control devices will be added to all Armco coke plants as soon as such devices are developed.

We've about reached a point in history in which our society will deny any group, steel company, motorist, city sewage plant or homeowner the right to threaten our environment.

As the Armco Policy on Pollution Abatement states, with support from legislative bodies, private groups—and you—it is realistic to hope for improvement, and to dream of a day when our lakes and rivers and skies are clean again.

Whatever needs to be done, it's clear that a major clean-up has started. The immediate challenge, we believe, is not only to stop pollution from becoming worse as both population and industry continue to grow, but to roll it back.

It is our belief that you and your families should be able to enjoy the earth you've inherited.

At Armco, pollution is out. Clean air and water are in. You have our pledge.

MENTAL HEALTH OF CHILDREN

Mr. RIBICOFF. Mr. President, the board of trustees of the American Psychiatric Association have recently pledged full support for the thoughtful and far-reaching conclusions contained in the Report of the Joint Commission on the Mental Health of Children which was published in 1969.

In the February issue of the Journal of American Psychiatry the trustees give their "enthusiastic approval and support of the spirit and principles underlying the findings of the Joint Commission on Mental Health of Children."

As one who supported the formation and work of the Joint Commission and is committed to implementing its major recommendations, I am encouraged and heartened by the trustees' statement.

With the full consultation and assistance of many interested persons, we are now preparing a program to implement the major recommendations of the Joint Commission report to establish a national child advocacy system. As a result, I

hope to introduce legislation on this subject in the near future.

Mr. President, the excellent statement of the American Psychiatric Association is worthwhile reading for everyone. I ask unanimous consent that it appear at this point in the RECORD.

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

POSITION STATEMENT ON CRISIS IN CHILD MENTAL HEALTH: CHALLENGE FOR THE 1970's, THE FINAL REPORT OF THE JOINT COMMISSION ON MENTAL HEALTH OF CHILDREN

(This statement was approved by the Board of Trustees of the American Psychiatric Association on December 12, 1969, upon recommendation of the Association's Task Force on the Report of the Joint Commission on Mental Health of Children, comprised of: J. Cotter Hirschberg, M.D., Stanislaus Szurek, M.D., Milton E. Senn, M.D., Kent Zimmerman, M.D., Exie Welsch, M.D., Richard S. Ward, M.D., Walter E. Barton, M.D., and Robert L. Robinson, ex officio

(The trustees have requested the task force to continue its work of studying and recommending positions on the technical reports of the Joint Commission as necessary, and also to advise on implementation of the Joint Commission's recommendations.)

FOREWORD

The final report of the Joint Commission on Mental Health of Children is vast in scope and detail. Its many recommendations, reaching into all areas of national life, do not lend themselves to blanket endorsement. They call for extensive study, adaptation, and modification to accord with political, social, and economic realities in the long-range process of implementation. In the course of that process in the years ahead, the Association will be called upon to adopt many "positions" on specific proposals of the Commission. But there is, we believe, an obligation on the part of the Association to offer an initial reaction to the report and some extended commentary about its findings and recommendations by way of suggesting a stance of organized psychiatry with which it is hoped the overwhelming majority of psychiatrists will agree.

The following commentary is offered in that context. It is largely based on the findings of a task force appointed in 1968 to formulate a position statement on the Commission's final report for consideration by the trustees. The trustees are most grateful to the task force for its assistance.

APPROVAL AND COMMENDATION

The trustees hereby record their enthusiastic approval and support of the spirit and principles underlying the findings of the Joint Commission on Mental Health of Children. The Association may be prideful that it was instrumental in initiating the Commission in 1965. We wish to express our gratitude and congratulations to all who made possible so great an achievement, and most especially to Senator Abraham Ribicoff, who spearheaded the authorizing legislation in the Congress, to the many allied organizations and agencies that participated, to the officers and staff of the Commission, and to the hundreds of professionals and concerned citizens from our own and cooperating disciplines who gave to the effort so much of their knowledge and time.

It is the intent of the Commission in its final report to alert the nation to its past failures in meeting the needs of young people from birth to adulthood, the price that we are paying and must pay for our failure, and the promise that lies in remedying that neglect. It pleads for a new kind of society, a child-respecting society, and it projects a comprehensive blueprint for structuring it. In the new society there will be three priorities of equal emphasis: 1) the provision of comprehensive services to ensure the maintenance of the health and mental health of all children and youth; 2) the provision of all needed remedial services for all children in trouble—the mentally ill, the delinquent, the mentally retarded, and other handicapped children and youth; and 3) the establishment of a highly structured advocacy system at every level of government to ensure that the first two goals are in fact realized and sustained.

In our view the Commission's program is thoroughly in accord with the American tradition and, in our affluent society, is economically feasible. If such a program were to capture the imagination of the American people and their leaders, its gradual implementation would bring about desperately needed changes in the quality of American life and would, in due time, vastly strengthen the nation's resolve and capacity to deal with its awesome problems. Adoption of the goals and the intent of the recommendations would, in the Commission's own words, "rekindle the spirit of generosity, of magnanimity, of neighborliness, of gentleness and compassion, and of zest and adventure that are part of the American heritage."

SPECIFIC COMMENTARY AND INTERPRETATION

Some matters of emphasis

It is important that the psychiatrist reader understand that the final report goes far beyond an assessment of the clinical needs of the mentally ill and retarded children and youth. Indeed, while the report pledges equal priority to social, economic, and educational measures to promote mental health on the one hand, and to remedial measures to meet the clinical needs of the mentally ill on the other, by far the greater portion of the text is devoted to the former.

The fact that so many experts from so many disciplines were able to agree on the Commission's comprehensive and innovative program for the nation is, of course, one of the report's outstanding virtues and imparts to it a quality of great historical significance.

Nevertheless, the trustees feel compelled to point out that had the work of the Commission and its final report been closely focused around the psychiatrist's view of the needs of the child, the relative emphasis on preventive and remedial needs would have been more balanced. While the clinician's view of the needs of the emotionally ill child is adequately and even admirably stated in parts of the report, it is by no means highlighted. Nor have the lengthy sections dealing with environmental reform been properly conceptualized to relate to the clinician's view of the child's needs in various stages of development.

Because they are not sufficiently highlighted in the report, we urge upon all concerned with carrying out the Commission's program that the following general considerations are by far the most critical ones in planning comprehensive health services for children aged one to five.

Provision for identification, comprehensive diagnosis, and treatment of childhood mental disorders is, indeed, of equal importance with provisions for prevention and the promotion of mental health.

There is telling need and promise of extremely productive results in improving our presently inadequate medical services to the child in his first five years of life, especially by providing family planning services, sound prenatal care, improved obstetrical management, and comprehensive pediatric services. In the age range one to five it is the general physician, the obstetrician, the pediatrician, and the child psychiatrist who can play the most telling roles in providing these services.

Well-baby clinics have been the principal agency to serve mother and child after birth. But in general they are of service only during the first year of life and, in the main, are primarily limited to pediatric assistance. Also, our day care centers, as presently conceived, are inadequate to meet the needs of children under five because of their relative divorcement from the interplay of child and family. A new mechanism, a new "thing," something that might be titled "child and family development center," is needed to ensure the availability of comprehensive health services, including not only pediatric care but also genetic counseling, child neurology, child psychiatry, obstetrics, gynecology, and related services.

We also urge—as the Commission has not—that the newly developing community mental health centers be viewed as a major potential resource for the delivery of services to children. Indeed, we believe that provision for such services should be specifically added to the present five requirements of community mental health centers in their regulations governing federal funding of such centers.

In projecting the kinds of needs that must be met in a total network and continuum of services, we would have them structured around the following headings:

1. Services to normal children and normal families concerned with developmental and situational tasks. These services are both preventive and actual and include such community resources as pre- and post-natal health services, well-baby clinics, day nurseries, preschool programs, family and children's agencies, public health nursing, and other public health services.

2. Services to normal children with problems in growth and development, which would not require specialized psychiatric help but could be handled by such community resources as the family physician or pediatrician, school health clinics, recreational services, vocational services, and the community resources offered within many church-related activities.

3. Services to families in trouble.

4. Services to children who demonstrate a need for early intervention for minor emotional disturbances of an order that can be handled by psychologically and educationally aware agencies and educational programs and remedial services.

5. Services to emotionally disturbed children who need specialized psychiatric treatment but who are still able to reside in their own families and their own communities. Such services would include special educational programs in the schools, pediatric-psychiatric outpatient services, community mental health clinics, therapeutic nursery schools, group casework and group psychotherapy, and therapy for parents and families.

6. Services for emotionally disturbed children who need placement away from their families either because of their own degree of emotional illness or because of disrupted family structure, but children who are still able to function within their own communities. Such services would entail foster care, boarding families, adoptive homes, group homes, and community youth centers.

7. Services to children with severe emotional illness requiring hospitalization in residential treatment centers, or inpatient psychiatric centers, or children's psychiatric hospitals for treatment and rehabilitation to facilitate their early return to family and community. Such services may be provided in a general hospital, in a community mental health center, or a specialized psychiatric hospital for children followed by aftercare and rehabilitation. Child psychiatric hospital care must be upgraded to ensure adequate staffing and treatment programs, the provision of proper schooling and vocational rehabilitation, as well as concomitant casework with the parents and often with the entire family.

With reference to state hospital care for emotionally ill children, the Commission has

been justified in noting the grave inadequacies of state hospital facilities. Such facilities, however, if adequately staffed and programmed, can provide an essential service for some severely ill children. They should not be perceived as "end of the road" institutions. It is gratifying that the Commission has indicated its favorable disposition to the American Phychiatric Association's recommendations regarding state hospital care for children issued in 1964(1).

The above points are made not so much by way of taking exception to the Commission's findings but rather by way of pointing up the medical view of the most *essential* elements to be incorporated initially into a national program for children and youth. As the program unfolds it must be the purpose of psychiatrists to urge these points of view upon the myriad of planning groups that will be involved, and particularly upon the neighborhood child development councils. If they are to guarantee comprehensive health services for every child, then they must fully grasp what the needs actually are. Further, they must understand that the one-to-five age period is the period of most vital need for health services. The report appears to convey the overall impression that after age three the child's needs can be met primarily through educational services.

Be that as it may, psychiatrists generally will be able to lend their unqualified endorsement to what the final report does say about the emotionally disturbed and mentally ill children in our country. The poverty of our present resources and methods for treating the emotionally ill child is not exaggerated by the Commission and adds up to an appalling reflection of the nation's past indifference and neglect of these children. The Commission makes a strong and convincing plea for the reorganization of our entire system of remedial services into an effective network and continuum of services that will indeed meet the needs of every ill child in relation to his stage of development. Again, it is gratifying that the Commission, in this regard, quotes approvingly from the American Psychiatric Association's report on *Planning Psychiatric Services for Children*(1).

Moreover, psychiatrists will generally applaud the report's treatment of the school as part of the development process. Indeed, the report's general approach to the impact of contemporary American society on growth and development opens up a very wide range of collaborative roles for psychiatrists and child psychiatrists in the unfolding of the program. To be sure, these roles are not spelled out, and in some measure the report reflects doubts about reliance on the medical model as the matrix around which to construct a system for the identification, diagnosis, and treatment of the mentally ill child. Nevertheless, the report does not gainsay and indeed implicitly accepts the reality that the clinical psychiatrist is uniquely qualified to give leadership in integrating the multiple input of many disciplines in assessing the total needs of the child; the psychiatrist's role in the implementation of the program can be rationally projected only in that context.

The Advocacy System

The basic theme of the final report is to "urge the creation of a network of comprehensive, systematic services, programs, and policies which will insure every American the opportunity to develop his maximum potential. Such a network would interrelate all those services and institutions which affect the lives of our young. The line between the preventive and remedial nature of services would be blurred by designing and coordinating services to meet the developmental needs of the total child." The statement will meet with the general approval of our profession.

To achieve the goal, the Joint Commission would interpose an "advocacy system" cutting across every level of the American body politic—national, state, and local.

Briefly, at the top of the advocacy structure there would be a President's Advisory Council on Children, endowed with the power and prestige of the President's office in relation to his Cabinet, the Congress, the Bureau of the Budget, and more than a score of federal agencies involved in one way or another with programs for children and youth. To reinforce the Advisory Council a strong staff unit would be created in the Department of Health, Education, and Welfare.

Counterpart child development agencies with staffs would be established by state governments with the crucial mission of developing comprehensive state plans for securing the range of services envisaged as essential by the Commission.

At the city-county level of government, local child development authorities would be created to serve as coordinating, planning, and policy setting bodies for the range of services required in its jurisdiction.

At the neighborhood level the Commission recommends the establishment of child development councils throughout the nation whose primary function would be to act as direct advocates for every child in the community they serve. To them would fall the responsibility and prerogative of ensuring that complete diagnostic treatment and preventive services are available to all children in the neighborhood. The councils would comprise the foundation of the advocacy system. Under their aegis, it is hypothesized, no child would be lost in a bureaucratic morass and no child in need would be shunted from one agency to another, receiving little help from any. The council structure would guarantee the availability of services.

In the Commission's view, only by superimposing such a child-oriented advocate structure can we hope to bring some semblance of order out of the system (or nonsystem) of fragmented services that now obtains. Only thus can we expect to rally sufficient support at the grass roots of the body politic to plan for and eventually provide the essential range of services required. The Commission emphasizes, quite correctly, that the advocacy structure at all levels would not be responsible for providing direct services, but rather only with planning, coordinating, facilitating, and guaranteeing that such services shall be available. The work of the councils would be financed by federal and state funds.

The trustees believe that the advocacy structure as recommended by the Commission is basically rational, sound, sensible, and feasible. Such a concept will find precedent in community involvement, for example, in planning community hospitals under the Hill-Burton program, and in the federally financed comprehensive state community mental health planning of recent years. Moreover, we quite agree with the Commission on emphasizing the advocacy function of the councils at every level as distinguished from administrative responsibility for financing and operating direct services. We further agree with the Commission's suggestions as to how to proceed to institute the advocacy system beginning with the President's Advisory Council on Children, namely:

First, the creation of the President's Advisory Council.

Second, the establishment of state child development agencies in each state, and the initiation of comprehensive planning (federally financed).

Third, the establishment of at least one local child development authority in each state.

Fourth, the establishment of as many as 100 child development councils, with at least one in each state.

Fifth, the creation of about ten evaluation centers in representative communities to study, test, and evaluate the goals proposed for the councils and thereby lay the groundwork for ultimately spreading the council structure to the point that no child in America grows up in a community without one.

Manifestly, such an elaborate structure will take many years to build, and it would be fruitless to attempt a beginning except at the White House level. The trustees urge upon the President of the United States that he give immediate attention to the proposal and the need to establish the Advisory Council at the national level as a starting point to initiate the advocacy structure. The trustees will further urge upon the President that at least two members of the proposed Advisory Council should be physicians selected from those specialties most concerned with the health and mental health of children from age one to five, especially from the ranks of psychiatry, obstetrics, and pediatrics. Indeed, we shall urge such appropriate professional representation on the councils and staffs of the entire advocacy structure so far as is feasible.

Manpower and training

That section of the final report that deals with the human resources needed to structure a child-oriented society is altogether farsighted and innovative. In being innovative the recommendations are also controversial, but this is all to the good by way of stimulating fresh thinking and quickening action to overcome manpower and womanpower shortages and to improve the utilization and distribution of manpower in the field.

To begin with, the Commission quite properly asks for the creation of a federal manpower policy to come to grips with the need for staffing the entire advocacy system, a policy that will accommodate a vast expansion of federally supported training facilities and personnel and the financing thereof. There is nothing impracticable about the proposal. It will be incumbent on the President's Advisory Council on Child Development to ensure that an adequate staff is employed to carry out the research and planning that must underlie the development of the policy. The trustees fully support this proposition and, with some qualifications, all of the basic recommendations of the final report on how this nation can develop the manpower needed to carry out the implementation of the advocacy system.

For example, it is recommended that the National Institute of Mental Health should allocate a minimum of 50 percent of its training funds to the education of specialists in work with children and youth. The repercussions of such an arbitrary ruling, if it were to be made, would have no small impact on psychiatric education today, not to mention the other disciplines. Nevertheless, the figure 50 percent is certainly not exaggerated in relation to the need. The trustees urge NIMH to give serious consideration to the extent to which the recommendation could be feasibly entertained in relation to other priorities at the present time.

The trustees are also favorably disposed toward many of the other specific recommendations of the Joint Commission in the manpower field, notably that recipients of federal training grants should agree to serve for a reasonable period in child and adolescent mental health work; that the federal government should undertake tax incentives as an instrument to encourage mental health professionals to work in areas that are receiving few or no services; that a national service program could be launched to allow young people to participate in service activities in deprived areas such as ghettos, Appalachia, etc.

Further, we approve the recommendations petraining to clinical training of child care

workers to meet the need of the child in the first five years of life, and the need to have such training carried out in clinical settings. We would emphasize that these settings must be adequately financed if they are to do the job adequately. In general, it is one of the unique contributions of the report as a whole that it emphasizes "growth and development" as a basic science in the field of human behavior and demonstrates its vital relevance to the teaching and training of all professionals and paraprofessionals. Clearly, clinical psychiatrists have an immense responsibility in the clinical training of all of the professions serving children.

All in all, the Commission's recommendations proposing the rapid development of paraprofessionals are to be applauded. We agree in principle with the need for a new hierarchy of careers, the restructuring of old ones, and with the concept of inventing a "career ladder" that would allow child care workers to move up as they move either vertically or horizontally across the personnel structure of the field.

We do not share the Commission's seeming enthusiasm for the British model of a Doctorate in Medical Psychology. We are similarly uncertain about training a new "profession in child development" to serve as administrators of the child development councils, to supervise day care and preschool facilities, to act as child-parent counselors, and to supervise paraprofessional workers in home visit programs, etc. It is not that either concept lacks merit, but in our view they should be posed as merely examples of experimental patterns that might be tried out. It would be premature to forge full speed ahead at this time with rigid plans for producing new kinds of professionals.

Research

The trustees are fully supportive of the Commission's recommendations concerning increased support for research and with its goal of establishing a "research climate" throughout our society. Specifically, we support the proposal that ten child health research centers be established under the auspices of the National Institute of Mental Health and the National Institute of Child Health and Human Development to undertake long-range studies in such problem areas as the development of a more adequate system of nosology, diagnosis, and classification, longitudinal studies of the natural history of emotional disorders in children, childhood autism, the effects of various kinds of therapeutic intervention, and many other areas.

We are particularly pleased to note that the Commission has been farsighted enough to recommend equal support for basic and applied, including clinical, research. In our view, the latter is just as "basic" as the former. Admittedly, as the report states, it is difficult to define clinical concepts in objective, measurable terms, making clinical research more difficult and demanding than laboratory investigations. The problem is to assemble clinical data that are comparably based on comparably diagnosed patients, on comparable treatment programs, and on comparable therapists. Be that as it may, in our view the difficulties should not be allowed to discourage far more emphasis on supporting clinical research than has been given it in the past.

All in all, the Commission's findings on research are fully consonant with our view of the essentiality of preserving an eclecticism in research policy so necessary to avoid the shutting off of any promising directions of investigation. We would emphasize the relating of evaluation to applied research in the report. The need for continuous evaluation and assessment of results throughout the advocacy system will be ongoing and fundamental, and most particularly in the early demonstration projects designed to elicit the know-how to further implementation of the system.

American society and its impact on youth

The Commission's final report presents the American people with what may be appropriately called a series of analytical essays on the impact of American society on young people. They cover such topics as the interrelationships of poverty and mental health, minority groups as a special risk, education and mental health, problems in employment, public assistance, and various environmental programs. These chapters are most admirable syntheses of existing knowledge and attitudes in behavioral science concerning what a truly child-oriented society would be like. Again, it would be inappropriate for the trustees to lend a blanket endorsement to the vast range of recommendations in the areas that the Commission has projected; it will be for individual psychiatrists in their roles of "citizen advocates" to relate to these recommendations according to their own consciences. In their totality, the recommendations add up to what is tantamount to a national political platform that the majority of psychiatrists, we venture, would support over the long haul. Indeed, one may hope that the Commission's platform for a child-oriented and child respecting society will receive the earnest consideration of both of our great political parties. Generally, in the view of the trustees, it is realistic and practicable to look to the achievement of the Commission's goals by the year 2000, and many of them much sooner than that. Such achievement is essential if the causes of deterioration of our society are to be remedied and if its upward thrust toward a better life for all is to be sustained.

There are two general recommendations which the trustees would specifically endorse.

First, the Commission recommends that the Congress or the President's Advisory Council on Child Development should establish a body, a consortium, or a permanent study group comprising many who participated in the work of the Commission, and others, to impart expertise of the highest order to the gradual implementation of the advocacy system. The precise form such a body might take is not spelled out in the report, but it would serve as a highly prestigious "voice for children," and as a strategy and planning group to assist in analyzing and coping with the problems that will inevitably attend the development of the advocacy system. The proposition calls for further study, and the trustees will be pleased to cooperate with others in undertaking it.

Second, child psychiatrists, and general psychiatrists for that matter, will particularly applaud the report's emphasis on such matters as improved programs for preschool children, adoption and foster care practices, legal and probation services, homemaker services, family and premarital counseling services, and others, all of them essential from the clinician's point of view in meeting developmental needs.

CONCLUDING COMMENTS—COMMITMENT TO ACTION

Manifestly, the Commission's detailed blueprint for a new society adds up to a very large order. The Commission itself has not attempted to put a price tag on its program, but it has been estimated by some who participated in its work that a national investment in the range of six to ten billion dollars a year would be required to make it fully operable. Such sums are modest enough when viewed as the price we must pay to cope with the disaster-threatening problems of our time. Implementation of the recommendations calls for a "shift in strategy for human development" in our nation, a qualitative change in values and attitudes. Ultimately, such a program can be carried out only by eliciting the support of a very large segment of the entire body politic. A beginning must be made initially by enlisting the interest, understanding, and support of leadership groups in our society—the range of professions, social and political interest groups, federal, state, and local political administrations, and the vast array of existing public and private agencies that comprise our present "nonsystem" of services for children and youth. Professional societies such as our own will have many vital roles to play in arousing this kind of support, and the trustees pledge the American Psychiatric Association to lend all possible support to this end.

In addition to those indicated above, other initial steps that the trustees consider it appropriate for the Association to undertake are these:

1. We urge all members of the Association to read the final report of the Commission and give thoughtful consideration to what they may do both in their professional capacity and as citizens to further its objectives. (The full text of the report will be published by Harper and Row, New York City, early in 1970. In the meantime, an excellent summary of its major findings is available in pamphlet form[2], from the Joint Commission on Mental Health of Children, Inc., 1700 18th St., N.W., Washington, D.C. 20009, for $1.50 a copy.)

2. The trustees will urge the following actions on the President of the United States and the Secretary of Health, Education, and Welfare: a) that they publicly acknowledge the exciting challenge to the American people presented by the Joint Commission on Mental Health of Children and commend it to further study by relevant key personnel in their administration; b) that they proceed with all feasible dispatch to convene a conference of all relevant members of the President's Cabinet and of administrative heads of federal programs serving children and youth to consider strategy and planning for inaugurating the advocacy system; c) that immediate consideration be given to the appointment of the President's Advisory Committee on Children and the establishment of a high-level supporting staff in the Department of Health, Education, and Welfare to plan for the extension of the advocacy system to states, cities, counties, and communities; d) that they use their good offices to help ensure that a significant portion of the agenda of the forthcoming White House Conference on Children and Youth shall be devoted to a consideration of the final report of the Joint Commission.

3. The trustees will similarly urge upon Senators and Representatives that they similarly express their support of the advocacy program and that they initiate and facilitate supportive legislation to launch it.

4. The trustees will call upon the APA Commission on the Delivery of Mental Health Services and the APA Committee on Financing of Mental Health Care to scrutinize carefully the range of health and mental health services for young people as put forth by the Commission and attempt to propose a suitable delivery service system and the financing thereof to assure their realization. The attention of the Commission is particularly invited to the report's failure to define the potential role of the community mental health center in future delivery systems. Indeed, very little is said about these centers other than to note that they have thus far failed to provide significant services for children.

It appears to the trustees that the role of these centers could be rendered far more effective if they were adequately funded and staffed. We would add the comment that, in general, the report performs a magnificent service in itemizing the kinds of services that

are needed. It fails, however, to delineate the institutions and modalities through which they can be delivered. The Commission and the Committee could contribute much to remedying the deficiency.

5. The trustees will call upon the Association's district branches and their appropriate councils, committees, and task forces to review the report from the vantage point of their own interest fields and to make such recommendations as they may wish as to how the Association can exercise a telling influence in furthering the advocacy program.

6. The trustees will explore and cooperate with other concerned national associations and agencies regarding what steps may be taken together by way of convening conferences of professional and public leaders to consider the implications of the final report's major recommendations and what steps may be taken, and in what sequence, to further their implementation. We have in mind especially the American Medical Association, the National Association for Mental Health, the Council of State Governments, and member and affiliate organizations of the Joint Commission on Mental Health of Children. The trustees will also call the attention of the Association of American Medical Colleges to the implications of the report for curriculum planning.

7. In general, as interest in and understanding of the Commission's program grows, the trustees will be prepared to entertain proposals for cooperative action to implement it from all appropriate sources.

REFERENCES

[1] American Psychiatric Association: Planning Psychiatric Services for Children, Washington, D.C., 1964.

[2] Joint Commission on Mental Health of Children, Inc.: Digest of Crisis in Child Mental Health: Challenge for the 1970's, Washington, D.C., 1969.

SECRETARY FINCH'S DESEGREGATION PRONOUNCEMENTS

Mr. TOWER. Mr. President, I have sometimes been critical of the Department of Health, Education, and Welfare concerning its handling of school desegregation matters and the fact that it has oftentimes been impossible for local school districts to implement plans that the Office for Civil Rights has come up with. Having been critical, I feel that it is incumbent upon me to cite positive steps that the Department takes. I note particularly the statement of March 1 by the Secretary of Health, Education, and Welfare, Robert H. Finch, in which he noted that the past decisions concerning desegregation plans issued by the courts were found to be, in his own words, "Totally unrealistic and moving in the wrong direction."

Likewise, Secretary Finch opposed forced busing, commenting that for school districts to spend great portions of their resources to purchase buses is counterproductive for limited resources must be spent for noneducation items. Secretary Finch went even further when he stated that he thought the legal distinction between de facto and de jure school systems should no longer be a valid basis for making decisions concerning the problems of desegregation that confront this Nation at this time.

Mr. President, I commend Secretary Finch for those forthright statements and earnestly believe that a new, more rational approach will be taken by his Department in the confusing area of school desegregation. The old policies are inadequate for the seventies. New, forward-looking policies which concentrate on equality of opportunity and education are required immediately. I have often stated and always believed that working together we can find a solution to the vexing problem of securing equality of opportunity and at the same time promoting educational goals. I am convinced that Secretary Finch will be attempting to help find these reasonable solutions.

A CALL FOR HELP IN THE SIERRAS

Mr. CANNON. Mr. President, in the dark and bitter cold, on the snowy slopes of the Sierras, determined and dedicated men of the Tahoe Douglas Fire District, the Trans-Sierra rescue team and the Tahoe Douglas sheriff's department, responded to the call for help.

After lying with a leg broken in two places, counting eternal minutes, while his friend, Art Petty, went for help, I am sure Gary Edin's appreciation for the unselfish service of the rescue team is equal to the value of his life.

Mr. Edin wrote me of his recent experience, to express his appreciation to those who responded to the call. I wish to insert his letter into the RECORD as a monument to those men who faced those darkened icy slopes to help another human being.

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

FEBRUARY 3, 1970.

Hon. HOWARD CANNON,
The U.S. Senate,
Washington, D.C.

DEAR SIR: On Sunday, February 1, 1970, I and Art Petty, a stockbroker friend from San Francisco, went snowmobiling. We were on the slopes above the Glenbrook, Nevada area, east of U.S. Highway 50 when misfortune occurred. At about 5:00 p.m. as the sun was setting, our snowmobile slipped into an icy ravine and overturned on my leg, breaking it in two places. My friend was unhurt, and after trying to comfort me somewhat, set out for help. He made his way down the slopes to the highway, where he caught a ride to the Glenbrook Fire Station and arrived wet and cold.

The firemen took him in, gave him hot coffee, dry clothes and boots and immediately started organizing for the rescue. They worked out a plan and together with off-duty firemen, the Sheriffs Department and members of the Trans-Sierra Rescue Team began their search for me.

They carried a considerable amount of survival equipment including a stretcher and sled. In the dark they retraced Art's steps over the mountains to the ravine where in the cold I laid waiting for them—each minute seeming like an hour.

When the rescue team arrived they went to work building fires and making a splint for my leg in preparation for our journey down the mountain. They secured me on the stretcher and slid and carried me to the warmth and safety of a Douglas County ambulance. The rescue operation was completed about 11:00 p.m.—six hours after my mishap.

Sir, my hat is off to the men of the Tahoe Douglas Fire District, the Trans-Sierra Rescue Team and the Tahoe Douglas Sheriffs Department. They are real professionals and I owe my life to their dedication and unselfish service. In this small way, I'd like to say to these men thank you—thank you for my life.

Sincerely,

GARY EDIN,
Real Estate Developer.

STATELINE, NEV.

ADDRESS BY ROBERT C. MARDIAN

Mr. GOLDWATER. Mr. President, Robert C. Mardian has recently been appointed to assist Vice President AGNEW with his assignment to study what can be done to better race relations across this country.

I have known this young gentleman for many years ago and I know his complete dedication to the idea of a united people. He will be a great asset to the Vice President in this task and prove to be, as he has always been, a completely fair and honest person.

Recently in New Orleans Mr. Mardian addressed the Louisiana School Boards Association. So that Senators might have a better understanding of my endorsement of his dedication, I ask unanimous consent that his remarks be printed in the RECORD.

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

SCHOOL DESEGREGATION

The racial composition of our schools, both public and private, in the North and the South, in the East and the West, has resulted from causes as numerous as the sum of the factors which motivate human behavior.

One of the contributing factors was undoubtedly segregation laws, prevalent mostly in the South, which prohibited negroes from the common use of public facilities, including public schools. But there is no credible evidence that without these laws racial separatism in the south today would be any different than it is in Harlem, Watts, South Chicago or any other area of the north which has a substantial negro community.

Racial separatism is not only national in scope, but national in origin. Yet, although school segregation in the north has been given little attention, segregation of the schools in the South is the subject of one of the most serious domestic crises of our time.

The legal justification for the concern with southern school segregation is predicated on the constitutional prohibition against State action which results in discrimination on account of race, and the fact that the Southern States took such action through the passage of laws requiring the segregation of the races in public facilities, including the schools.

Despite the constitutional requirement of a causal connection between the prohibited State action and the alleged discrimination enunciated in the first *Brown* case some lower courts have summarily concluded from the holding in *Brown I* that the Constitution requires an elimination of all racially identifiable schools in *all* of the States which enacted the proscribed laws.

The court in *U.S.* vs. *Jefferson County Board of Education* stated the proposition thusly: "The similarity of pseudo de facto segregation in the South to actual de facto segregation in the North is more apparent than real. Here school boards, utilizing the dual zoning system, assigned Negro teachers to Negro schools, and selected Negro neighborhoods as suitable areas in which to locate Negro schools. Of course the concentration of Negroes increased in the neighborhood of the school. Cause and effect came together. In this circuit, therefore, the location of

Negro schools with Negro faculties in Negro neighborhods and white schools in white neighborhoods cannot be described as an unfortunate fortuity: It came into existence as State action and continues to exist as racial gerrymandering, made possible by the dual system."

It is this legal conclusion that has prompted many civil rights compliance officials to equate racial balance with school desegregation and, although often unarticulated in the emotionally charged atmosphere of negotiations with southern school districts, it is this concept that has, in practice, generated the greatest resistance to school desegregation.

This, as well as other important aspects of the school desegregation problem that have arisen since the *Brown* cases, are, I believe, deserving of a reassessment.

If we accept the concept that a causal connection must be established between the prohibited State action and the illegal discrimination, a discussion of any specific case is impossible without reference to the facts of the particular case. A discussion of the history of racial separatism in this country is, however, germane to a resolution of the question of causation as well as the other issues raised in the desegregation of previously segregated schools.

Every student of law or Government knows, or should know, that laws such as segregation or miscegenation statutes, result from an evolutionary process. This process involves, in the first instance, an acceptance of a concept as a folkway. As it gains wider acceptance, it is elevated to the status of a custom. Upon gaining even wider acceptance it may attain the status of a mores, and ultimately, it may gain the sanction of law.

Because slavery, the great shame of this Nation, was more profitable in the South than in the North, it is not difficult to understand why racial separatism, a lesser form of slavery, had a swifter evolution as a legal principle in the South than it did in the North. As a result of this evolution, the slave States enacted laws which gave recognition to the existing social mores of the time. Slavery, however, was more than simply tolerated by law in this country. It had the higher sanction of the organic act which was and is the fountainhead of all of our laws: The United States Constitution. At this juncture in our history racial separatism became a way of life and was considered neither morally nor legally wrong by the white race which established it. The white race segregated itself in the North and the South, not because State action compelled it, but because adherence to social mores required it.

By virtue of the same evolutionary process, however, a free people will not permit a previously established legal concept to remain if enlightened social progress demonstrates that the law contravenes current social mores. In the area of racial separatism this reverse evolutionary process started when the Constitution was amended at the cost of a bitter and bloody civil war. But even a constitutional amendment cannot bypass the evolutionary process because it alone cannot eradicate the social mores or customs that were the precursors of the old law. Twenty-eight years after the enactment of the constitutional amendments, the Supreme Court gave recognition to this fact when it granted legal sanction to a hypocritical doctrine permitting states to furnish separate but equal facilities. This was done in defiance to what the Supreme Court would describe fifty-eight years later as a "simple constitutional mandate."

Those laws and their descendants are the legal justification for the present distinction in the treatment of the problem in the North and the South; but few, if any would contend that those laws caused racial separatism. The most that can be said is that the legislation sanctioned a continuation of the racial separatism that was a part of the nation's social culture. Racial separatism in its basest form, racial prejudice, is still a part of this nation's culture and segregation exists today, not by reason of law, but in spite of it.

Legislation can, however, act as a precursor for the reverse evolutionary legal process. The rapidity with which the reverse objective can be achieved will, if history is a criterion, depend upon the public acceptance of the new legislation which, in turn, depends upon the equity with which the reversionary law is implemented and administered. Unless the new law is implemented in a fashion which demonstrates an appreciation of the factors which came into existence because of public reliance on the old law, resistance to the new law will be in direct proportion to the factors wihch have not been given recognition. This principle has not, however, been accepted by some who seek to eliminate segregation in a manner which fails to make allowances for the problems generated by the previously sanctioned laws and which has tended to polarize public opinion against the reverse evolutionary process.

The adoption of school desegregation plans requiring inordinate busing of children and the manipulation of grade structures in such fashion as to make teaching and learning secondary in importance to racial balance; the rejection of what could realistically be achieved in favor of plans that could only lead to total rejection and a reaffirmance of old prejudices; the attempt to overcome all of our social, economic and cultural prejudices by legal mandate directed to but one of their manifestations, has, despite claims to the contrary, proved less than rewarding. Nor will the problem be solved by pious pronouncements of moral concern expressed by politicians from northern States that have more per capita segregation in their schools than many of the southern States. With the realization that the segregation in the North and South differ only with respect to morally irrelevant matters, the hypocrisy of such pronouncements have, in my opinion, reinforced resistance to the reverse evolutionary process.

This is not to say that there are not situations where legal enforcement can, to a large extent, eradicate separatism in the schools. This is especially true in communities where mixed racial housing patterns exist and, but for such prior laws, integrated schools would exist in much the same fashion as they do elsewhere in the United States. This was the situation in *Green* vs. *County Board of Education*, where the court stated that the school district could integrate the schools by the simple expediency of drawing a geographic attendance zone in such a fashion that gave cognizance to the existing housing patterns. The court there held invalid a so-called "freedom of choice plan" permitting the parents to choose the school their child would attend, which included provisions for the busing of the white children from the immediate vicinity of one school to the "white" school they were previously attending under a recently abolished segregation law. This so-called "freedom of choice" resulted in a total segregation of the only two schools in the district.

The application of the language of that case to an entirely different factual situation involving a totally segregated housing community in an urban area where immediate desegregation can only be accomplished by the busing of children from their own community to a totally different environment has proved unrealistic.

It is this type of confusion that has clouded the entire problem of school integration and which prompts me to attempt a clarification of the specific issues involved. The confusion has resulted from several causes. One is the natural reluctance, dictated in part by precedent, of our highest court to address itself to broad issues where the specific issues of a particular case do not require it. Another is the highly emotional nature of the subject itself. Still another, and probably the most cogent, is one which is an outgrowth of both of the foregoing reasons: the failure or inability of the persons who address themselves to the subject to define their terms. As a result, "freedom of choice," "neighborhood school," "racial balance" and "busing" are terms which have excited an immediate "for" or "against" response, but very little constructive thought.

Although it is true that some of the ambiguity in the definition of terms has resulted from a misconception indulged in by the Supreme Court itself in the Brown cases, it is my belief that some of the confusion that has obtained is a direct result of our failure to take heed of what the Supreme Court actually did say in those historic decisions.

FREEDOM OF CHOICE

One misconception of the court and the plaintiffs in the Brown cases was their opinion that racial segregation in the schools could be abolished by the simple expedient of requiring "Negro children to forthwith be admitted to schools of their choice." Despite the urgings of the Negro plaintiffs to require "freedom of choice" the court was fearful that this might result in too severe a dislocation of the Southern school system. It ordered instead an "effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinction."

In practice, however, many southern school boards ultimately faced with court action or termination of Federal financial assistance who were unable or unwilling to try to gain local acceptance of complicated plans for the "effective gradual adjustment" envisioned by the Supreme Court, adopted the free choice plan which was simple to devise and relatively easy to implement.

For many of the same reasons that caused racial separatism in the first place, these plans did not result in an avalanche of black choices for white schools as anticipated by the Supreme Court and the blacks and the schools stayed largely segregated. It was with this background and the facts of the *Green* case that the Supreme Court held that the abolition of segregation laws and the other discriminatory acts, even when coupled with freedom of choice, would not discharge the obligation of formerly dual school systems if such acts failed to achieve integration of the schools.

Subsequent to the *Green* case, in *Holmes* vs. *Alexander*, the court ordered the implementation of desegregation plans in 30 school districts which were employing variations of freedom of choice and for the first time held, by implication at least, that freedom of choice would no longer be tolerated in school districts which still maintained racially identifiable schools.

It is difficult to argue with the holding of the *Green* case in the light of the facts of that case, but in view of the fact that it took 14 years to decide *Green* and 15 years to decide *Holmes* vs. *Alexander* I do not think mutual understanding is promoted by the charge that school districts that adopted free choice plans have been guilty of illegal conduct for 15 years. Nor is it fair to suggest that the problems which the court has described as "deep rooted," "complex," and requiring time for solution have disappeared by the simple passage of time, during which many school districts were operating under plans that the Supreme Court had previously suggested met constitutional standards.

I do not mean to say that the charge of "foot dragging" is not an accurate description of the past and present policies of many southern school districts. What I am saying

is that none of the branches of our Federal Government, legislative, executive, or judicial, can claim clean hands in the whole mess that has plagued the school desegregation issue for the past 15 years.

We cannot, however, continue to argue the past for the purpose of assessing the blame. Regardless of what might have been or what many think the law should be, any doubt that may have existed with reference to freedom of choice has now been erased. Unless freedom of choice will result in the instant integration of a formerly dual system it does not meet the constitutional standards that have been established by the Supreme Court.

BUSING

Some urge busing as a tool which would take children from their own community to a totally different community for the purpose of achieving a particular ratio of black and white children in a school. The other extreme suggests school buses should not be used if the buses are used to effectuate any plan of desegregation. Neither view, in my opinion, is consistent with constitutional requirements. In the *Brown* case the court contemplated that desegregation plans should be formulated "within the limits set by normal geographic school districting." I believe that if a school district has employed busing in the transportation of children, it would seem illogical, if not illegal, to fail to require continued use of school buses for the transportation of children within normal geographic school zones in order to effectuate the transition from a dual to a unitary system. I do not think the Supreme Court will require the busing of children beyond normal geographic school zones to effectuate a desegregation plan unless the school district has used inordinate busing in the past for the purpose of perpetuating a dual system. Nor do I construe the term "racial balance" as synonymous with "desegregation."

Although the Supreme Court did not define the word "normal" in the phrase "within limits set by normal geographic school districting" I think its meaning is clear; "normal" as established by the past history and practice of the school district involved.

NEIGHBORHOOD SCHOOLS

No other topic brings the true problem of school desegregation into sharper focus than the issue of neighborhood schools. It points up more eloquently than anything else the fact that desegregation of schools is but one facet of a problem which touches the entire range of our social institutions. To send a black child to a white school far from his own neighborhood only to send him back to a segregated ghetto for the balance of his daily life may be as destructive as the continuation of a socio-economic system that relegates most black people to a substandard existence in a totally black environment.

While I do not suggest that school desegregation can await a solution of the economic plight of the Negro, I am convinced that true integration of schools or any other social institution will never be achieved until black people are given the opportunity to achieve an economic status that will permit them to drive their children out of the ghetto permanently, rather than having them bused into a sometimes hostile environment for the limited purpose of attending school.

The issues of "neighborhood schools" and "busing" are closely intertwined with the most important question yet to be decided by our highest court: What is a desegregated school? Until this issue is resolved we will continue to have differing views as to the future of "neighborhood schools."

To some the term "neighborhood school" indicates a gerrymandered school zone designed to perpetuate segregation of the races. To others, "neighborhood school" indicates a school which represents a normal geographic constituency. The former view can be answered with certainty: The law forbids the drawing of a school zone in a fashion designed to foster or perpetuate segregation.

A school zone which represents the normal geographic constituency of a school but which retains the racial identifiability of the school is the difficult question to which the Supreme Court has not addressed itself, except with its reference to "normal geographic limits" in the *Brown* case. The Court did, however, note in the *Green* case that a school enrollment which fails to represent its normal constituency in and of itself, is persuasive evidence of discrimination. If this be a valid criteria for determining whether or not discrimination exists, it is difficult at best to suggest that a school enrollment which does in fact represent its normal geographic constituency is a segregated school simply because residential housing patterns are segregated. It is my view that geographic zoning is not only permissible but in most cases the only logical method of abolishing the dual system. However, I also think that it is the obligation of the school district in the selection of logical alternatives, to select those which will achieve the greatest degree of desegregation.

RACIAL BALANCE

As I have said, "racial balance" and "integration" are not synonymous. It is not surprising, however, for the public to be misled when eminent Members of the Congress of the United States believe them to be and use them interchangeably with respect both to the racial composition of the school enrollment and school faculty.

With respect to school faculties, I believe that by and large, if the school administrators were truly color blind, integration would ordinarily result in an approximate "racial balance," for, if discrimination did not in fact exist, the law of averages would dictate that faculty assignments would not reflect the color of a teacher's skin. This is not true, however, where the terms are employed with reference to pupil enrollment unless geographic boundaries are disregarded. Except where housing patterns are racially balanced, school enrollment will not be racially balanced. Color blindness on the part of a school administrator will not only *not* eliminate this problem but would in fact perpetuate it.

While it is true that housing patterns are sometimes dictated by the desire of ethnic groups to congregate amongst themselves, as evidenced by the Italian, Irish, Polish and other enclaves in our urban areas, housing patterns are more often than not, as I have stated, dictated by economic factors. To fail to be aware of the fact that housing patterns are a cause and not a result of school segregation, in the South as well as the North, is to fail to treat realistically with the problem.

CONCLUSION

If my remarks here are interpreted as sympathetic to the problems of the southern school trustee, that interpretation would be correct. I would like to add, however, that I would be doubly sympathetic if I were addressing the Chicago or New York City school boards if they were faced with the same problems you are. The problem is, however, yours and not theirs and I would like to address myself for a few moments to your obligation as I see it.

If I were to sum up in one word the opinions I have read and heard expressed by southern school officials with respect to the future of public education in the South that word would be "chaotic." This prediction could well be true but it does not have to be. I think it may well depend on the qualities of leadership and courage that you people demonstrate in the immediate days ahead. The most real problem you face is not educational, such as disparity in pupil achievement, faculty problems, or lack of facilities or funds. Your most difficult problem is the social one. That of the cultural lag between social mores and the new law. You have the burden of finding an accommodation to the fact of racial prejudice until such time as our customs and our mores catch up to the law.

I do not mean to infer that the task is less than monumental. But I firmly believe that what happens to public education in Louisiana rests largely in your hands. You will not be true to yourselves or your obligations to attempt, to paraphrase an English statesman, to "buy peace in our time" by collaborating with those who would avoid meeting the problem by establishing a white academy in each of your districts. Each of you has an obligation to face the problem in your time and to make public education work. It cannot work unless it includes the black as well as the white community. The white community of the South has not and probably will not accept the leadership of northerners with respect to the racial problems of the South. It will, however, accept your leadership if you have the qualities and courage that true leadership demands.

The hallmark of America around the world is its fine sense of sportsmanship. When an official makes a bad call we rarely force the game to be called by spilling out on the field as in some foreign countries. We may jeer and hoot, but we permit the game to go on. Often the one who jeers the loudest is most likely to be the one who insists that the game continue. It is the American way. Free public education made America what it is; it is as American as apple pie. It must go on and you people, by and large, will determine whether it does or not.

I know the task is difficult, but everything we and our forefathers have achieved since this Republic was established was achieved by overcoming the most severe adversity. I am confident that this critical point in our history will pass as have our other crises, and that this Nation, North and South, East and West, will be the stronger for having met the challenge and conquered it.

RENEGOTIATION BOARD UNDERMANNED

Mr. PROXMIRE. Mr. President, the Renegotiation Board is the last chance the public has to recover excessive profits or improper expenses of defense contractors. It is in itself a weak weapon, for it is only the final watchdog or the last chance the public has to rectify earlier mistakes. Some have compared it to the safety man on a football team who is the only barrier between the offensive halfback and the goal line.

But over the years, even this final watchdog has had its teeth pulled. In fiscal year 1969—the latest year for which we have figures—prime military contracts amounted to $36.9 billion. Of this amount, $25 billion alone went to the 100 largest defense contractors.

Yet in fiscal year 1971 the Renegotiation Board will have only 250 employees—of whom 70 will be in civil service grade GS–6 or below—to act as safety men for these billions of expendi-

tures. Thus less than 180 professionals are employed to guard the billions spent in defense contracts.

This is really demanding that a pygmy perform a giant's job.

Some improvements have been made in the last few years. Some further improvements in men and money can still be made. But in addition to improving the Renegotiation Board, we should also improve the entire process of procurement.

The Budget Bureau has been asleep for years. The Council of Economic Advisers has done virtually nothing to set out the economic effects of these vast expenditures on prices, inflation, and the bidding up of scarce manpower and scarce commodities. The Pentagon itself fires those who try to save money, as it did in the case of A. E. Fitzgerald. Their objective is to spend as much as they possibly can. And the Congress has been lax over the years in scrutinizing defense procurement in a critical way. Finally, last year, under the pressure from the critics, we made a good beginning.

In testimony before the House Committee on Government Operations, Admiral Rickover has commented on some of these problems. Particularly, he has criticized the inadequacy of the funds we spend on the Renegotiation Board.

I ask unanimous consent that an article in the New York Times today entitled "Rickover Says Agency To Recover Excess Profits Is Hopelessly Understaffed" be printed at this point in the RECORD.

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

[From the New York Times, Mar. 3, 1970]

RICKOVER SAYS AGENCY TO RECOVER EXCESS PROFITS IS HOPELESSLY UNDERSTAFFED

(By Robert M. Smith)

WASHINGTON, March 2.—Vice Adm. Hyman G. Rickover has told Congress that the agency responsible for recovering excess profits was so understaffed that it could not hope to scrutinize the billions of dollars the Government spends on defense procurement.

The Admiral told a subcommittee of the House Committee on Government Operations last September that the Renegotiation Board had "miniscule staff and funds" but "immense responsibilities." His testimony was released by the committee today.

Admiral Rickover is deputy commander for nuclear propulsion of the Naval Ships System Command and director of the Division of Naval Reactors of the Atomic Energy Commission. He has become well-known as a critic of defense contracting procedures and excess profits.

The admiral criticized the Renegotiation Board for relying on contractors' reports of costs and profits rather than examining them independently. He also lamented the exemptions to the Renegotiation Act that put many contracts beyond the board's scrutiny.

Lawrence E. Hartwig, the board's chairman, said he had just received a copy of the admiral's testimony today and would not be able to comment until he had read it carefully.

INDEPENDENT AGENCY

The board was set up in 1951 as an independent agency appointed by the President and empowered to recover excess profits on defense and space contracts. In the current fiscal year, the Government is spending $20.3-billion on defense procurement.

Admiral Rickover told the subcommittee that in 1968 the board had 184 employes and a budget of $2.6-million.

"The Renegotiation Board has about seven headquarters accountants to review the cost and profit statements of 4,354 contractors during the entire year," he said. That is about as effective, he continued, "as putting a band-aid on cancer."

The admiral noted the "large block of defense work not even covered by renegotiation," and cited computers as an example.

"The theory . . . is that the government is assured of reasonable prices if the contractor sells significant amounts of similar articles in commercial markets.

"If the computers the Department of Defense uses were the same as those used by banks and department stores, the exemption might not be too bad. But today many of our computers, particularly the larger ones, are developed specifically for military applications. Where much of the research and development work is paid for by the Government, that exemption is not appropriate."

Admiral Rickover also criticized the practice of basing profits on costs. "Inefficient contractors can get just as much profits as efficient ones, sometimes more," he argued. "When profits are determined as a percentage of costs, the inefficient contractor with high costs gets more profit than the efficient contractor with the lower cost."

The admiral suggested nine steps Congress could take to improve the work of the Renegotiation Board. One was "to initiate a thorough review of the board's operations by an agency such as the General Accounting Office."

But if Congress does not want to implement any of those recommendations, the admiral said, it should consider one other move; giving board members a small share of all excess profits they recovered.

THE GROWTH OF LITERATURE ON THE SEA AND MARINE CAREERS

Mr. FONG. Mr. President, one evidence of the increase in public interest in a subject is the number of books devoted to it, and particularly the books designed to be helpful to young people interested in that particular field. I am happy to note the publication of a new book, "Opportunities in Oceanographic Careers," written by Odom Fanning, a well-known science writer who has served as public affairs officer for the National Council on Marine Resources and Engineering Development.

Books such as this are a stimulant to our young people. They are supplemented by the efforts of some of our great universities to answer the questions of youth who want to play a role in the vital fields of marine science and engineering.

Mr. Fanning's books contains much useful information for young ocean careerists, and shows both the glamor and hard work of a career in the sea. But his prediction of a seventeen-fold increase of jobs in the sea, from today's 5,800 to 100,000 by the end of the decade, raises an important question.

I think there is little doubt that 100,000 new jobs will be needed—but whether they will actually be available is quite another matter. Ocean research and development are fields in which the Federal Government has a strong role to play. Except in fields of high economic return, such as offshore oil and gas, the Federal Government must assume leadership, and back that leadership with sufficient funds.

Unless a priority is assigned to the oceans, not only as a realm of economic and social value but as a primary component of our environment, the growth of ocean research and development will continue to be leisurely.

The expectations of our young people should be met. There should be jobs in marine careers—because America needs a strong ocean development program. The national sea grant program is an indication of what a relatively small amount of funding can do, if properly spent, to produce the kinds of results the Nation needs. But sea grant alone cannot produce 100,000 jobs. That will take a major thrust into the oceans, and that thrust, in turn, will take the active support of the administration and the Congress.

We must not lose sights of the value to the Nation in a strong ocean program in these days of conflicting demands on the Federal budget. An investment in the oceans will repay us manyfold in social and economic return, and in international leadership, and will meet the rising expectations of our youth.

A TIME TO SPEAK OF SMALL BUSINESS

Mr. MONTOYA. Mr. President, the time has come, it may be said, to speak of many things; of shoes and ships and business small, and cabbages and kings.

I trust those of my colleagues who seem to have a liberal tolerance for rhetoric will pardon the poetry on this occasion, but I thought it a proper introduction for my remarks here today.

On February 20, 1970, the Senate Small Business Committee celebrated its 20th birthday. Twenty years ago Congress committed itself to the principle that small businesses are the mainstay of our free, competitive enterprise system by establishing committees of Congress to protect and foster the growth of our Nation's small businesses and by later enacting the Small Business Act, which created the Small Business Administration. This concern with the fate of small business rests upon deeply ingrained concepts of democracy and upon the prevailing belief in dispersion of economic power, equality of opportunity, and a sense of fairplay.

And since that original commitment was made, Congress has been constantly striving to foster a healthy economic foundation on which the Nation's small businesses can survive, grow, and prosper.

The competitive climate for small businesses in the 1970's will be quite different from that which existed 20 years ago. Already there exist several serious economic conditions which threaten small businesses.

Presently, of course, they are faced with inflation and the fact that the cost of doing business has increased to the point where many small firms are unable to maintain their profit margins. As the money supply has tightened, the cost of borrowing has increased, and the development of many smaller businesses has been impeded. And, of course, many

small businessmen are struggling just to survive, without hope of expansion in the immediate future.

Another growing problem is the accelerated rate of merger activity and the appearance of conglomerates, which tend to promote undue concentration of economic power in many fields of business. Small businesses are witnessing an alarmingly disproportionate increase in the growth of giant corporations and conglomerates, a condition aggravated by an apparently weak enforcement of antitrust statutes and laws dealing with unfair business practices. Last year merger activity increased 37.5 percent over 1968, with a recorded 6,132 mergers announced involving assets of over $8 billion. Certainly, our Government's antitrust and tax policies are not as effective as they should be to abate this ominous trend.

Big business, while the most formidable competitor of small business, is not solely responsible for conditions unfavorable to our Nation's small businesses. There are many anti-small-business policies and activities within the Federal Government—some that merely neglect the interests of small business; others that are patently detrimental to small business.

It seems to me that too often the policymakers fail to recognize that, if competition is the lifeblood of the free enterprise system, then small business is the lifeblood of that same competition.

To narrow the subject down, I turn now to a case in point with which I am familiar—Government procurement. Government requirements for goods and services regularly make up an impressive percentage of the Gross National Product, and this is, of course, why Government procurement is of such vital importance to the small business community, and, in turn, why the small business community is important to the welfare of the Nation.

As chairman of the Senate Small Business Subcommittee on Government Procurement, I am particularly aware of the lack of an inspired approach to increasing small business participation in Government procurement. It is becoming increasingly apparent to me that, if abused, procurement discretion may work to the detriment of the growth and prosperity of small business.

The statistics speak for themselves: the percentage of Government prime contract dollars going to small business for the last 4 fiscal years has dropped at an average annual rate of 1.4 percent. It seems to me that, if it is the aim of our Government to foster the growth of small businesses, we would do well to direct more of the Government's multibillion-dollar annual purchases to the many competent small businesses in our country.

Out of $55.5 billion spent by the Government in fiscal year 1969 for goods, services, construction, research and development, small business received $8.8 billion, or 15.9 percent. This is despite the fact that there are many small businesses willing and able to fill Government requirements. Although I sometimes wonder why small businessmen would become involved in doing business with the Government, since they must compete against big business in an atmosphere favorable to their giant competitors.

Many small businesses that are capable of performing Government contracts refuse to get involved. After all, the Federal Government is a huge, impersonal organization, and entering into a business relationship with Uncle Sam is replete with pitfalls. I am sure that many businessmen with previous experience in the field of Government contracting are not sure sometimes whether they are doing business with the Federal Government, whether they are getting the business, or whether the Government is trying to give them the business.

The military particularly feels that many procurements, such as for missile and space systems, are beyond the productive and financial resources of smaller concerns. Consequently, many contracts are awarded to large corporations with little or no competition. However, the Government has ways of providing contract financing and productive facilities on the same contracts for which small businesses were left out because of their lack of financial and productive resources.

And small business is not doing well at all in the military research and development field. Figures for the last fiscal year show that only $197.6 million, or 3.7 percent of the military's total R. & D. expenditures of $5.3 billion went to small business firms. Not only does this lack of effort in channeling R. & D. contracts to small businesses mean that many small, capable firms are missing out on the R. & D. procurement dollar, but they are being precluded from sharing in the technological know-how generated by Government-financed R. & D. activity. The Federal Government's R. & D. activities have tended to concentrate advanced technology in a handful of giant corporations, rather than promote dissemination of new technology throughout the business community.

Obviously, directing a larger amount of R. & D. contracts to small businesses could promote more effective dissemination of technological know-how resulting from Government research and development expenditures.

When you consider first, the declining percentage of procurement dollars going to small business firms; second, the increased share of military contract dollars going to the very largest suppliers; third, the decreasing types of contracts considered suitable for production in small plants; and, fourth, the insignificant percentage of research and development contracts awarded to small firms—then one is convinced that the Federal agencies describe their failure to increase small business participation in Government procurement with their own statistics.

The recently instituted program of cutbacks in defense expenditures seems likely to force even further reductions in military contract dollars going to small businesses.

For small business defense contractors, the chips are down. The acid test of true concern will be gaged by the response of the procuring agencies as we see whether they stand by small business during this critical period.

SENATOR PEARSON'S KANSAS COOPERATIVE COUNCIL SPEECH

Mr. PEARSON. Mr. President, I was honored with an invitation to address the Kansas Cooperative Council on February 2, of this year in Topeka, Kans. Unfortunately, I was unable to fulfill this engagement. Mr. President, I ask unanimous consent that the statement which I had prepared for that gathering be printed in the RECORD at this point.

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

STATEMENT BY SENATOR JAMES B. PEARSON

It is indeed a real pleasure to have this opportunity to be with you, the directors, managers, participants and friends of the cooperatives in Kansas.

The cooperative organization has made a great economic and social contribution to the nation and to the State of Kansas. There is no question but that cooperatives will continue to play a vital role in our society. And, indeed, I would suggest that we may be on the verge of a new era which will see cooperatives breaking fresh ground and making new contributions to the nation's welfare.

Without venturing too far into the uncertain field of prognostication and without attempting to lay out a detailed blueprint of action, I would like to briefly identify two general areas where cooperatives may be performing increasingly important roles in the future.

First, I would point to the general area of organized farmer bargaining. The immediate prospects for extensive and successful organized farmer bargaining are not particularly bright. However, it seems to me that there is a much greater awareness among farmers of the potentials for organized marketing and I believe this awareness will continue to deepen and to broaden and will eventually lead to some effective action in a number of areas.

Those of you in the rural cooperatives are closely associated with farm marketing and therefore you will have the opportunity to become involved, in not too many years, in what may very well be a major new ingredient to the American agricultural scene.

Secondly, I would suggest that cooperatives might well play an active and important role in the rural development movement. Surely the necessity for rural development is one of the greatest challenges facing the nation today. We must halt the migration from the rural to the urban communities. Today that migration is made up of the unskilled who find few opportunities in the city, and sooner or later slide back into the ghetto communities and the welfare rolls. The other part of that migration from the countryside to the cities is made up of the young, those with the skills and the energies and the dedication so vital to the leadership of rural America.

President Nixon recognized this problem in the State of the Union Message wherein he stressed the need for rural development and a balanced population growth. It would be my hope that this Message signals not only a greater understanding of the problem, but more effective programs for the future.

It is essential that we expand economic and social opportunities in rural America so that those who choose to do so will have the freedom to remain there rather than being forced to the already overcrowded and overburdened cities.

Now it seems to me that cooperatives not only have a great stake in the whole rural development movement, but that they can, in fact, contribute a great deal to it.

The economic and social development of a community is very much dependent upon the resources and energies of the community itself. The Federal Government can only do so much. The rest is up to the people themselves. Those associated with cooperatives, because of their connection with both the agricultural and business sectors of our rural communities, are, in many cases, ideally suited to play leading roles in community development efforts.

Also the principles of cooperative organization might well be applied very successfully in many types of community development efforts.

There are, of course, many other ways in which cooperatives can get involved in this whole rural development effort. However, it is not the purpose of my statement today to attempt to discuss these in any detail. But the point I do want to emphasize again is that rural development on a broad and meaningful scale has now become a national necessity and the opportunities for cooperatives to participate in this great effort are great indeed.

Now let me make just a few brief comments about the current debate on farm legislation. As all of us know, the Food and Agriculture Act of 1965 expires this year. The House Agriculture Committee held extensive hearings last fall, but has not yet reported out a new bill. The Senate Agriculture Committee has yet to begin hearings.

The Administration while adopting a most cooperative role, has not, and from all indications will not, asume a strong leadership position, but hopes for a consensus among farm organizations and the Congress—and perhaps this is the best approach.

At the moment, there are only two major proposals before the Congress. One, called the Agriculture Adjustment Act of 1969, embodies the approach favored by the American Farm Bureau Federation. It would call for the gradual phasing out of the present price support and production control program by 1975. While the present program was being phased out, a land retirement program would be substituted.

The other major proposal has been referred to as the "coalition farm bill" because of the fact that it has been endorsed by 22 farm organizations. Essentially, this bill would provide for the permanent extension of the present program with certain modifications such as a rather substantial increase in the price support level for wheat.

Also I would point out that when the Senate Agriculture Committee begins its hearings, the Wheat Marketing Act, which had its origin in this organizaton, is going to get very serious and careful consideration by the Committee. I think this proposal adds an important new dimension to the debate on farm legislation and I think all of you can have some pride in the fact that it's going to get some very serious consideraton.

Over the past two or three years, Hal Hellebust in particular has put a great deal of time and his energy into this proposal. I think he deserves our appreciation.

I was asked by the chairman of this conference to comment on several subjects. In further response to that suggestion, I should like to make some observations regarding the war in Vietnam and inflation.

The President's Vietnam policy, which has offered so much hope to the American people and which has gained the support not only of the majority of Congress but our allies around the world, is a remarkable achievement.

A quick look back at the past year should be helpful.

When the Administration took office, the direction of the war had already changed somewhat. The bombing north of the parallel had ceased, and the Paris peace talks had commenced.

Yet the frustrations and the opposition to the war throughout the country was so strong and so wide that there was a demand for withdrawal by both the so-called hawks and the so-called doves alike.

The President's position was that he had a plan, but that such a plan could not be disclosed in precise detail without losing the flexibility and maneuverability so essential in both military and diplomatic affairs. Moreover, the President insisted that any plan of withdrawal be contingent upon the progress in the Paris talks, the level of fighting maintained by the enemy and the ability of the Saigon Government to defend itself.

Regardless of political affiliation or persuasion, the country as a whole found it difficult to accept the Administration's position. Faith had been granted before, reliance had been made upon misleading and false predictions, the country generally had been confused as to our purposes and goals in Vietnam.

But through his skilled leadership the President prevailed. Public confidence rose, the public opinion polls indicated that there was wide support for the President's policy, demonstrations and debate diminished.

How was this achieved? Well, on the military front the President publicly abandoned any goal of a "military victory". Moreover he committed the United States to a gradual troop withdrawal. It was stated that U.S. withdrawals would not depend solely on progress in Paris, but would be undertaken primarily with reference to the enemy activity and the readiness of the South Vietnamese forces.

Military strategy was changed. The great emphasis was upon Vietnamization whereby the ARVN, or South Vietnamese forces were to be prepared to assume a larger combat role. The United States combat orders were altered to limit our offensive search and destroy missions. The policy of "maximum pressure" was replaced with a policy of "protective reaction" and the main focus was upon training of the ARVN forces.

At home the draft, which had been so abrasive to our young men, was reformed whereby a lottery system calling the 19 year old first and limiting one's vulnerability to one year, went a long way in establishing fairness in the Selective Service System. The draft call in the last quarter of 1969 was reduced by 50,000, and the first call in the first quarter of 1970 was stretched out.

This change in tactics seemed to bear fruit. Infiltration from the North dropped. On the political front, the Administration proposed, with President Thieu's endorsement, that the NLF participate in a coalition supervisory government which would hold elections under international auspices. And the President declared that the United States was not committed to any particular government or any particular form of political settlement.

And so the change in attitude throughout this country in relation to the war is the result of a precisely calculated series of actions and events which have indeed substantially changed the course of our policies in Vietnam and throughout Southeast Asia.

But we still face difficult choices ahead. The withdrawal of a hundred and ten thousand U.S. troops by April is, of course, good news. But as our troops are withdrawn, the danger increases to our remaining forces and increases our dependence upon the will and ability of the ARVN forces. If the Communist forces seek to launch another allout offensive, we may have some serious decisions to make in regard to the withdrawal policy.

However, the key point is that the President has done a truly remarkable job with regard to the war in Vietnam within his first year. The question remains that in view of the very difficult and awful problems ahead, will the political pressures and the public emotions permit him to continue on his course. And I would suggest that the pressures from now on will come not so much from the "dovish" element of public opinion, but from the "hawkish" right, which, in the face of any reversals, will demand that this country apply new and complete military pressures.

A word about inflation.

The Consumer Price Index rose on an average of 6.1 percent during 1969. This is the greatest increase in the cost of living since the days of the Korean War in 1951. Moreover, the Wholesale Price Index was up 4.8 percent in the last year and interest rates were the highest since the days of the Civil War.

The 1950 dollar is worth 62 cents in 1970.

The problem of inflation is more than how much we get for our money or considerations of a balanced budget. If it remains unchecked, it can virtually destroy our economy. Yet the corrective measures which must be taken both in our monetary and fiscal policies must be made with such care and precision that a slowdown in our economy with the resulting halt of the cost of living will not slide into a recession.

The problem is to maintain or achieve some balance between the supply of money and demand and the supply of goods and services produced and offered for sale.

The causes of inflation can be identified. Prior to Fiscal Year 1970, the Federal Government spent $56 billion more than it took in in revenues in the prior three years. This was, of course, an enormous increase in the supply of money.

Organized labor achieved enormous successes in their wage demands which, of course, added to the cost of production.

The psychology of inflation was an important factor. Many thought it wise to buy now because tomorrow the prices would be higher. Many were borrowing money at high interest rates because of the fear that the rates would go higher. For the same reason, business expanded their production capacity, businessmen built up their inventories and wage increases were granted—all on the basis that prices would go up. New and expanded Federal programs added to the mounting pressure.

The Administration's strategy for checking inflation and avoiding a recession primarily rests on a policy of cutting Federal spending. In Fiscal Year 1970 the Federal Government had a surplus of $1.5 billion. The President's budget proposal for the next Fiscal Year anticipates a surplus of $1.3 billion. The surpluses themselves hold no magic solution, but they do represent a policy of the Government to cut the money supply and to show that it means business in fighting inflation.

Economic indicators indicate that this policy is effective. The Gross National Product in the final quarter of last year showed no "real" growth. The cut in Federal expenditures next year anticipates that there will be a flat first half of 1970, with no real growth in the Gross National Product. This will represent three quarters without economic growth. It will provide increased unemployment, idle machines and workers and, as many economists agree, the maximum pressure that can be exerted to deflate our economy.

It's then anticipated by the Administration that the last half of 1970 will show an economic growth rate, relieve the unemployment situation, while halting inflation. It is quite apparent that the President hopes the Federal Reserve Board will ease up on interest rates and, indeed, some relaxation

of the monetary policy is essential if the President's plan is to succeed.

It seems to me that one of the fundamental facts to be learned from the new budget is that Federal resources are limited. We must recognize that there are limits on spending. This requires a reordering of priorities. We simply are not going to be able to have new or expanded programs without reducing old programs or raising new taxes.

What this Administration plan also reveals is that spending cuts are the last opportunities we have to halt inflation. If this plan fails, then I would anticipate that Government economists would be seriously looking at wage and price controls or tax increases or both a year from now.

In conclusion just let me say that we all recognize that rural America has an especially vital stake in the Administration's effort to reduce the high cost of our involvement in Vietnam and to bring inflation under control. No sector of society has felt the burden of these problems more, no sector will benefit more from their solution.

CITATION OF ARIZONA STATE COUNCIL, KNIGHTS OF COLUMBUS, BY FREEDOM FOUNDATION AT VALLEY FORGE

Mr. GOLDWATER. Mr. President, the Arizona State Council of the Knights of Columbus has been cited this year by the Freedom Foundation at Valley Forge for its Americanization programs.

I ask unanimous consent that a brief description of this activity be printed in the RECORD.

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

The Freedom Foundation at Valley Forge, Pennsylvania announced its 21st year of awards to those organizations who did an outstanding job to bring about a better understanding of the American way of life.

The Arizona State Council of the Knights of Columbus in Arizona was cited for its Americanization Program through the 30 Councils throughout the 14 Counties of Arizona. The Arizona State Council of the Knights of Columbus will receive the George Washington Honor Gold Medal for this activity. The State Council uses the Parochial School System throughout the State of Arizona at no cost to the aliens in conducting citizenship classes. The facilities are open to conduct these classes in the spring and fall. Air conditioning and heat are furnished. Use of the audio-visual equipment is available. In addition, the professional nun bilingual faculty has frequently volunteered to teach these courses at no expense. The lighting and free parking are all available at no cost. If the city, county, State or Federal Government were to fund this program, it is estimated that it would cost from $50,000 to $60,000 a year.

The Arizona State Council of the Knights of Columbus represents over 5,000 Knights of Columbus throughout Arizona and have absorbed all of the administrative costs involved in this program.

Amil Ajamie, State Deputy of the Knights of Columbus said, "The men involved in our Americanization Program have been doing an ennobling patriotic work for years. We are pleased their efforts have been recognized by the Freedom Foundation and will be the recipients of this great national award from an outstanding group of patriotic men and women who comprise the Freedom Foundation. Our citizenship classes are truly representative of America. They comprise all races, all religions and all creeds. We have joined in our communities throughout the State with good men to do good things in feeding at the base-root of our American System—the immigrant stock. We know these new citizens will make substantial and continuing contributions to our great country as millions have in the past.

But, we are not alone in this activity. Other outstanding social and fraternal organizations have also been doing good work. Mrs. Placida Smith of the Friendly House in Phoenix has been doing a wonderful job for 36 years. Similarly, the YMCA in Phoenix and in Tucson have conducted these classes. Also through the years the American Legion and various Masonic Lodges have been active in this work.

On behalf of the Knights of Columbus we are pleased to continue with this active family of good people in Arizona who do this most needed work in helping aliens become citizens.

U.S. ECONOMIC POLICY

Mr. JAVITS. Mr. President, I ask unanimous consent that the remarks I made on March 2 at the annual alumni dinner of the Amos Tuck Graduate School of Business Administration of Dartmouth College concerning the economic policy of the United States be inserted in the CONGRESSIONAL RECORD. At the press conference preceding this address, I also urged the administration to review its policy regarding wage and price guidelines.

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

COMBATING INFLATION AND RECESSION: THE ECONOMIC BATTLEGROUND IN A POLITICAL WAR

1970 stands to be a watershed year for our economy. It is always difficult to engage in political prophecy, but one thing is clear: the stakes are very high, both politically and economically.

The American economy is now in an exceedingly critical transitional phase characterized by the continuing inflation seen in steadily increasing price levels and by a deepening threat of recession. As we move through this transition, there are many dangers that we must face—rising unemployment; all-time high interest rates; a drastic housing slump; and perhaps the worst bear bond market this country has seen since World War II which contributes to the financial crises of our state and municipal governments. We also see deteriorating business profits, which have sent stock prices plummeting to six year lows; and the problems small businesses are having in obtaining financing. And there is the added problem of declining real income in the pockets of many of our blue and white collar workers which contributes to rising labor unrest and strikes.

In his recent testimony before the Joint Economic Committee, the Chairman of the Council of Economic Advisors, Dr. Paul McCracken, stated, "Indeed, the popular cliche of the day is that we are headed for the worst of both worlds—a recession with inflation." Cliches often are truths—and this is the double world the United States economy is now in. I am hopeful that this unsatisfactory state of affairs is transitional and that its life span will be short. We must be sobered by the fact that we are already in a mini-recession or on its threshold. But, it is not yet clear whether from this transitional period will emerge a strengthened, stable economy, a continuing inflationary spiral or a recession deeper than any presently foreseen. It is clear that our present monetary and fiscal policies will go far to determine what lies on the other side of the transitional period.

Judging by the testimony of key administration witnesses which I have heard as the ranking Republican member of the Joint Economic Committee of the Congress, there is something new in the economics of 1970: the use of advertising techniques to soften the language of today's hard economic realities.

The word "recession" is clearly not an "acceptable" term—its public relations image is bad. Instead, we have the following "sanitized" phrases of warning from the Administration: ". . . the very small monetary expansion of the second half of 1969 may portend an even slower rise of GNP," and ". . . there is a question whether the rate of real output can long remain essentially flat without more adverse consequences than we have so far experienced." We also have the recent speeches of responsible Council of Economic Advisors and Treasury officials purporting to change the definition of what constitutes a recession, which is classically two or more quarters of negative real economic growth.

The political consequences for the Administration could be grave, notwithstanding the fault of the Democratic Party for getting us into our present economic dilemma via the fiscal improvident policies of the last years of the Johnson Administration. For we are now more than a year into the new administration, and if we do find ourselves in a downturn that is finally agreed to be a recession, it will be known as President Nixon's—not President Johnson's—recession.

The question that must be asked is whether the new fiscal-monetary policy mix of the Administration and the Federal Reserve is moving our present highly inflationary economy toward the desired goal of economic growth and relative—I stress "relative"—price stability. We should not be fanatic on price levels. I am convinced that the highly restrictive monetary and fiscal policies of 1969 and early 1970 will soon begin having their downward effects on the price level. It would be the greatest of follies to work toward the goal of a zero price increase. A 2–3% range of annual price increases could be built into our equation of future expectations. Let us recognize that if our annual price increase is in the range of 2–3%, we would be doing far better in terms of price stability than most of the other developed countries of the world and doing enough to maintain and improve our international competitive position.

Surveying the monetary scene, I have confidence in the new Chairman of the Federal Reserve, Dr. Arthur Burns. His economic tour de force before the Joint Economic Committee on February 18 demonstrated to all that there is a new wind blowing at the Fed—a steady wind that should stabilize the rather violent fluctuations of the money supply which we have experienced in the recent years. It is also clear that it is only a matter of weeks before the overly restrictive monetary policy of the last six months at the Fed is eased. I am confident that this easing will be gradual—say in the 3% range—as it must be if the economy has any chance of stabilizing in the context of reduced inflation and steady real economic growth.

It also seems clear that history will record that in 1969 man not only reached the moon, but also that economists realized the importance of monetary policy in the economy. We all owe a debt in this regard to Dr. Milton Friedman, whose name, I believe, is likely to rank with Keynes as an economic theorist.

But what concerns me in the monetary area is the lag effect. As Chairman Burns has pointed out, in such sectors of the economy as housing where pent-up demand is considerable, the easing of money could have a quick stimulative effect on the economy. However, there are many more sectors where this is not true. For example, if money is eased tomorrow, how long would it take to

affect the demand for automobiles to the extent of persuading manufacturers to step up production and re-hire those workers who have been laid off? This, in turn, would determine the time needed to re-stimulate the steel industry and other feeder industries that depend on automobile production.

I would suggest, therefore, that while in the housing sector the lag between easier money and expanded production may be three months or less, in other sectors the lag could stretch from six to nine months. Six to nine months can be an exceedingly long time, particularly in our cities where the young and the black unemployed are concentrated. It also must not be forgotten that in addition to dealing with such tangibles as whether the amount of money in circulation has increased, we are also dealing with the enormously important intangible of consumer confidence. Once confidence is lost, it is difficult to regain to which our lagging stock market gives ample testimony. Accordingly, an increase in the money supply should now come promptly and no longer be deferred.

This Administration and the nation may have the extreme good fortune of inadvertently having a flexible fiscal policy at just the right time. Keynesian economics and the lessons of the early Kennedy years have persuaded us that tax relief can serve as an important stimulus in a slumping economy. The two-stage phase-out of the surtax and the phasing in of the Tax Reform Act of 1969 may—notwithstanding higher social security taxes—prove to be the medicine needed to help get this economy moving again. This is perhaps the first Administration in our history that may have a built-in flexible fiscal (tax) policy in the right direction at the exact time such a policy is needed.

In terms of the budget, I urge the Administration to concentrate on the goals it wishes to achieve. The primary goal should be to get the economy moving again—from a slightly negative rate of real economic growth to a 4 percent real annual growth rate.

Let us also recognize that the Administration's proposed $1.3 billion projected budget surplus for fiscal 1971 should not be a shibboleth. In my view, the principle of a figure in the black, no matter how small, really isn't important except for the gamesmanship of the 1970 elections. The Administration and the Congress would do well to study and back the sophisticated economic thinking of Dr. Herbert Stein of the Council of Economic Advisors. His thesis is—as I understand it—that shifts of a few billion dollars one way or another in relation to the mythical balanced-budget line have little real meaning in a trillion dollar economy. I would not become overly concerned if the budget moves to a slight deficit position as we take steps to get the economy moving again just as I would not find it particularly meaningful if the projected budget calls for a $5-billion surplus rather than a $1.3-billion surplus. A $25 billion deficit is clearly improvident fiscal policy, but concern over whether the budget has a $5-billion surplus or a $5-billion deficit is academic.

In looking at the budget, we should all be aware that in real dollar terms, the Administration has proposed that the U.S. Government spend approximately $10-billion less this than last fiscal year. Thus, the budget is restrictive and Federal government spendings in fiscal 1971 will have a less stimulative effect than they had in fiscal 1970—regardless of whether the budget is in small surplus or small deficit. It is my view speaking now as a Republican that modern day Republicanism still has to prove to the country and the world that it is capable of effectively managing the American economy. 1970 will be the test. I urge the President not to stand too rigidly by the concept of a balanced budget, if the economy increasingly becomes unbalanced toward recession. There are higher priorities even than a balanced budget. As the President stated, "We have learned that Government is often the cause of wide swings of the economy." The corollary of this is that Government actions can prevent wide swings, and it is the duty of the Government to cushion its citizens from economic upheaval in areas over which they have no control.

The Administration is asking us to take much on faith, as to its budgetary activities; but in certain critical areas, we do not have the time, and we must act now.

In housing, the Administration should take immediate steps to alleviate the shortage of funds available for home construction. The administration recognized the existence of the problem beginning last fall, but has been slow to act and only now is sending forward proposals. During this time, housing starts dropped to a level of slightly less than 1.2 million housing starts per annum, when the Congress and Administration has clearly recognized that an average annual rate of 2.6 million starts for 10 years is needed.

Let us act immediately to implement, at least, the extremely constructive suggestions made by Dr. Burns to increase the availability of funds for housing. Dr. Burns suggested that steps be taken to develop a secondary market for conventional mortgages by allowing banks holding mortgages to borrow from the FED's discount window; and by authorizing the expansion of the authority of national banks to lend on mortgages.

Dr. Burns also made the extremely important suggestion of subsidizing the interest on loans extended by home loan banks for a definite, short period of time. This technique has already been successfully used in the college student loan field. The Congress should act on this suggestion which would help to alleviate the housing crises we are facing, and I shortly will introduce legal action for this purpose. I am pleased to note that Secretary Romney has adopted and even strengthened Dr. Burns' proposals in his statement before the House Banking and Currency Committee on February 24.

I am extremely concerned by one statistic. The nationwide unemployment rate is presently 3.9 percent and will go higher. The rate of unemployment of our black citizens is already 6.4 percent. As unemployment rises to 4 or 4.3 percent or higher, nationwide, the record indicates that the 6.4 percent of black unemployment—almost double the average—will spurt ahead at an even faster rate. One reason for this is clear—seniority plays an important role in determining who is laid off in a slump period, and in the trades and in the plants the black worker usually does not have seniority. It is spurious and dangerous to argue, as is done in some quarters: "So be it: we have had higher unemployment rates in the past." This nation's tolerance of unemployment rates—particularly urban unemployment—is far lower now than it was a decade ago. And if we are to be just to those in our cities who have lost their jobs through no fault of their own and largely because of the inequities of our society, we must act now. If we are serious about the problems of crime in our cities—crime that is directly and inversely related to decent job opportunities and urban unemployment rates—we must act now.

For this reason, I look with great apprehension on the seeming lack of a spirit of urgency within the Administration over the growing threat of unacceptable levels of unemployment.

We have been told by the President's Council of Economic Advisors to plan for an average unemployment rate of 4.3 percent this year. This means, of course, that the rate in individual months will go higher than that. The recent rise in the unemployment rate, to 3.9 percent, coupled with the news we read about cutbacks in various industries, raises the ominous possibility that unemployment will become a much more crucial issue in the immediate months ahead.

But what, in the meantime, has happened to our standards of what constitutes an acceptable level of unemployment? The Administration for some reason has refused to give us their full thinking on this matter. The American people thus have no way of knowing at what point their Government is prepared to respond to a rise in unemployment—the 4.5 percent, 5 percent, or even 6 percent level—with a massive and effective effort to eliminate the privation which would be incurred. I urge the President and his Council of Economic Advisors to give us some confidence that they will name a rate above which the Government will do everything within its power to reduce unemployment or to provide other effective relief.

The Administration has made some commendable progress in recognizing the problem by drafting the manpower bill, which I introduced for the Administration last year. This bill would automatically appropriate an additional percentage of manpower training funds if the unemployment rate should reach 4.5 percent or more for three months in a row. Under the current level of appropriations, the amounts to be released under this plan would total $170-million per annum. The bill constitutes a very significant milestone in labor policy, and the principles it contains deserve bipartisan support. But if past experience is any guide, the trigger mechanism, and the additional amounts to be appropriated, will prove to be clearly unequal to the potential threat. The last time unemployment rose above 4.5 percent for the required amount of time, the rate was closer to 5.5 percent by the time the three months was up. Is this what the true measure of the Administration's concern is: that 5 percent or more unemployment constitutes a rate at which the Government will respond with $170-million?

I submit that the need is greater than the Administration admits. Defense cuts alone, for example, are expected to reduce job openings by 1.3-million during the coming year. Therefore, I intend to introduce in the near future an amendment to the Administration's bill which will significantly strengthen and refine the trigger mechanism and provide an increasingly greater amount of manpower training funds if the unemployment rate climbs higher than 4.5 percent.

We also must consider the establishment of public service employment programs in order to provide jobs for those of the 700,000 persons who need them and who will become unemployed with each one percent rise in the unemployment rate. And let us remember that for every additional person unemployed, the fear of unemployment will come to rest on the shoulders of five to ten others and their families.

Another area of crisis is state and local financing. Again the possibility of short-term interest subsidy programs should be explored. It would be tragic if the Administration's innovative revenue-sharing program would be rendered meaningless because high interest rates cost the cities more than they gain from the revenue the Federal Government plans to share with them.

Finally, we must look closely at the effects that the repeal of the investment credit will have on corporate profits (and this affects the 26 million investors in the stock market) and on the ability of our business concerns to modernize and automate in order to remain competitive at home and abroad. Remaining competitive is an essential element for continued economic growth and continued full employment.

It should be noted that the Treasury is committed to make available to me by June 30, 1970, "a study of the various alternative proposals for depreciation reform and the estimated revenue effects thereof."

I urge the Treasury to act promptly to institute reforms of the depreciation schedules—thereby insuring that business investment remains at high enough levels to guarantee the continued competitiveness of American industry. I am hopeful that the Administration will move quickly to adopt revised depreciation schedules as a stabilization and growth tool which could be most useful if, to use Secretary Kennedy's phrase—"in the months to come, the economy should begin to slide off too far . . ." I would hope that Secretary Kennedy keeps an open mind on legislation or administrative action in this area this year.

In conclusion, I am confident that the Federal Reserve under Dr. Burns will move gradually to ease the unduly restrictive monetary policy of the past six months and that the disruptive effects of yo-yo monetary policy are now history and not present policy.

I urge the President and his economic advisors not to let the economy slip out of their control as it did for the Johnson Administration during its closing years. If the signs of a deepening recession become more prevalent, the Administration and the Congress must lay the contingency ground work today to enable the Federal Government to act promptly to put our economy on the tracks of steady, sustained growth.

NOMINATION OF JUDGE CARSWELL

Mr. HANSEN. Mr. President, just last Friday the Judiciary Committee favorably reported to the Senate the nomination of G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court. I noted over the weekend that two more of our colleagues, Senator PEARSON and Senator SMITH of Illinois, have announced their intention to support the President's nominee. I commend them for announcing their intention publicly and intend to join them in support of Judge Carswell.

The Supreme Court has been without its full complement of Justices since Mr. Fortas submitted his resignation to former Chief Justice Warren last May 14, 1969. Although I am not a lawyer, I can fully appreciate the difficulties that are experienced in the administration of justice with only eight men deciding the cases. Almost a year has passed with no change in this situation.

Cases which reach the Supreme Court usually involve difficult legal issues. These cases have been the subject of scrutiny by other lower courts and, in some cases, judges on these courts are not unanimous in their decisions or rulings. Commonsense dictates that the highest court in the land has an odd number of judges so that tie votes can be resolved in favor of one party or the other. Both justice and the expeditous administration of justice demand no less.

We must remedy this problem as soon as practicable. The Judiciary Committee has held hearings and considered the nomination on its merits. By a vote of 13 to 4, the committee reported it to the Senate. The record is before us and it is time for us to act.

I urge this body to consider Judge Carswell's nomination early and favorably. Only then will the Supreme Court regain its position as a functional third branch of Government.

RHODESIA

Mr. BROOKE. Mr. President, at 1 minute past midnight on Monday, March 2, Southern Rhodesia unilaterally declared itself a republic. This is a startling step backward in the history and progress of the world.

The year 1960 marked the beginning of a decade of independence in Africa. In that year alone, 17 new nations were born amid glowing dreams and uneasy speculation. By the end of the decade, 42 independent states blanketed the African Continent. Contrary to the fears of many Westerners, none of those states has gone Communist. None has declined in productivity or per capita income; in fact, all have increased their economic output. True, three African states have engaged in civil war—but that is a remarkable record when one compares it with the history of the West. And all of these states have expanded—some more rapidly than others, some more colorfully than others—the political and economic opportunities available to their people. The free peoples of Africa have shown great progress, and even greater potential.

By contrast, the decade of the 1970's has begun with the birth of the so-called Republic of Rhodesia. I hope, for the sake of Africa and for the peace of the world, that this event is an historical anomoly, not a harbinger of things to come.

The other nations of Africa became independent in order to end alien domination; the Government of Rhodesia seeks to clamp oppression even more tightly upon the face of the land.

The other African nations sought, through independence, to expand political participation; the Government of Rhodesia has chosen to imprison political opponents and deny significant representation to blacks.

The other nations of Africa utilized their independence to give their people greater economic opportunity; the Government of Rhodesia continues a policy of driving people from their homes and circumscribing their chances for advancement.

Rhodesia is a rich and fertile land, with 240,000 white settlers and an indigenous black population of 4.5 million persons. The tax load is probably the only aspect of government policy which is apportioned equitably, yet so great is the poverty among the blacks that they bear less than 1 percent of the burden. Most of the African inhabitants are still subsistence farmers, and even these people are being driven from fertile tribal areas to make room for the plantations and truck gardens of the wealthy white colonialists. The constitution in fact insures that the land shall be equally divided, in quantity if not in quality, between the 5 percent who are white and the 95 percent who are black.

Rhodesia's new constitution, adopted last year in a referendum of the nation's 90,000 voters, denies the right of majority rule to the people of Rhodesia forever. Its inflexible and unjust terms can only serve to provoke the very turbulence and disorder which its founds seek to avoid.

Mr. President, there is not much the United States can do about the internal affairs of another state, no matter how reprehensible its programs or unjust its political philosophy. Rhodesia, like other nations, must find its own salvation.

But while America cannot solve Rhodesia's problems, it does not have to support them. And support—both moral and political—is exactly what the illegal Rhodesian regime derives from the continued presence of an American consulate in the capital city of Salisbury.

Surely we do not need a full-fledged consular office and staff to look after the affairs of 1,000 American citizens and less than $3 million worth of trade per year. Britain, with its much greater economic investment, its many thousands of resident British citizens, and its close family ties with many of the English-speaking settlers, has yet had the wisdom and the courage to sever all ties with the self-styled new Republic. Many other Western governments have let it be known unofficially that they would withdraw their representatives if the United States would do the same.

There is no cold war being fought in Rhodesia. There are no strategic resources there which cannot be obtained elsewhere. There are no vital ports or airbases, no communications installations, there are not even any neighboring states whose security requires our continued presence in the country.

There is little enough we can do to further the struggle for justice and human dignity beyond our own borders. But here in Rhodesia we have a natural opportunity to take a stand which is more than rhetoric, less than direct involvement, and which in terms of the welfare of the people and our own international image, will cost absolutely nothing.

I was encouraged by the statement issued from the White House over the weekend that our policy toward Rhodesia is still under review. I would hope that the foregoing points would be given the most careful consideration. And I hope, at the end of that review, that the consulate will be closed, as an indication that we reject unequivocally the principle of white supremacy, and share a common faith in the future of free men.

RITA HAUSER, CHAMPION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I have great admiration and respect for the U.S. representative to the United Nations Human Rights Commission, Mrs. Rita Hauser. Since President Nixon named Mrs. Hauser to the Human Rights Commission she has skillfully fought a tireless battle to achieve American ratification of several Human Rights Conventions, among them the Genocide Convention. Mrs. Hauser, a member of the American Bar Association, argued forcefully in favor of ABA's endorsement of the Genocide Convention at the recent ABA's House of Delegates meeting. Her

efforts as well as those of many of America's leading lawyers, such as Nicholas Katzenbach, Irwin Griswold, Bruno Bitker, and Bernard Segal, failed by a mere four votes to convince the ABA delegates to support the Genocide Convention.

Undaunted, Mrs. Hauser immediately issued a statement saying, "We will press on" and renewed her efforts to swing the vital force of American public opinion behind the convention. The ABA's failure to endorse ratification, she argued, is not decisive because of the closeness of the vote. Moreover, she pointed out that the ABA's leading experts in the field of international, criminal, and constitutional law all favored ratification.

Carrying her case directly to the American people, Mrs. Hauser recently appeared on the "Today" television program. Hugh Downs, the moderator, was hopefully correct when in introducing her he said Mrs. Hauser "will testify in favor of ratification before the Senate Foreign Relations Committee in the near future."

Early in the interview Mrs. Hauser said:

I think it is very important for the people in this country who are interested in the Convention to make their feelings felt to the Senate Foreign Relations Committee where the matter now is lying, particularly with Senator Fulbright who has to call hearings and take action on the Senate side.

Discussing the fact that the first opposition to the Genocide Convention seemed to come from those in the South who feared interference in civil rights practices, Mrs. Hauser noted that now this opposition is bringing Vietnam into the picture worrying about our boys being tried by kangaroo courts in North Vietnam. Mrs. Hauser feels this argument is absurd because the North Vietnamese today have our prisoners and they "can try them for anything they care to try them for, whether or not we sign this treaty does not change that situation one bit."

Under existing law, Mrs. Hauser pointed out, Americans can be tried by the courts of the place in which the crime has been committed. She said:

If you go to Paris and steal a pocketbook, you are subject to trial by the courts of France.

The genocide treaty does not affect this.

Responding to a question from Pauline Frederick concerning the chances of Senate ratification in view of the ABA opposition, Mrs. Hauser forthrightly expressed views I wholeheartedly endorse:

The American Bar Association's views are important, but they do not make foreign policy in this country.

Mrs. Hauser astutely observed:

By failing to ratify (the Genocide Convention) many countries in the UN, particularly the Soviet group, accuse us of the commission of genocide in Vietnam. And while it seems simplistic to you or me, they do make points by arguing why else do you not ratify this convention. The only reason you have not ratified it is that obviously you are doing it.

I strongly endorse Mrs. Hauser's well-reasoned and well-presented views, and I ask unanimous consent that the full transcript of her interview be printed in the RECORD.

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

INTERVIEW OF MRS. RITA HAUSER

HUGH DOWNS. Shocked by the Nazi atrocities in Germany, the United Nations General Assembly in 1948 unanimously approved a convention to prevent and punish the crime of genocide, and genocide is defined as acts intended to destroy a national or ethnic or racial or religious group. The United States played a leading role in drafting and approving this convention and was one of the first signers, but the United States Senate has never ratified the convention, although 75 other nations have done so, including the Soviet Union. Well now President Nixon has asked the Senate to approve the genocide convention. But the American Bar Association, as in 1949, has just announced its opposition.

Mrs. Rita Hauser, United States Representative on the Commission of Human Rights, who is dedicated to ratification of the convention, will testify in favor of ratification before the Senate Foreign Relations Committee in the near future; and she is our guest here this morning, the guest of Pauline Frederick, NBC's United Nations Correspondent. Welcome to Today, Mrs. Hauser.

RITA HAUSER. Thank you.

DOWNS. Pauline, do you want to start?

PAULINE FREDERICK. Mrs. Hauser, why is there serious opposition in the United States to genocide, especially in an organization like the Bar Association, after what we know about the atrocities in Nazi Germany?

HAUSER. I wouldn't say, Pauline, that there's serious opposition. It's limited opposition, which sits perhaps the most with the very conservative wing of the Bar. You see 20 years ago when this was first proposed, our country had very little in the way of Civil Rights legislation, and many States Rights oriented lawyers felt that we would do by treaty what we had not yet been able to do in Federal legislation. That's all behind us because we have a tremendous number of laws in civil rights.

The other day when the ABA set in Atlanta, we put this question before it again, and I have to say that I'm extremely gratified at the fact that while we barely missed a majority by four votes, we carried almost 50 percent of the body, and we had very strong support in favor of ratification now. I think it's very important for the people in this country who are interested in the convention to make their feelings felt to the Senate Foreign Relations Committee where the matter now is lying, particularly with Senator Fulbright, who has to call hearings and take action on the Senate's side.

The President made a very strong message; he was backed by not only Secretary of State Rogers but Attorney General Mitchell, all of whom find no Constitutional problems and find that we ought to get going with this.

FREDERICK. Well, Mrs. Hauser, there—as you indicated the first opposition seemed to come from those in the South who feared interference in our civil rights policies in this country. Now I believe they're bringing Vietnam into it. What is this argument being presented by the opposition that ties in with Vietnam?

HAUSER. Well some of the opposition argued that somehow, in a way they couldn't quite explain, since it isn't correct, that the Song My massacres, assuming they were in any way genocidal, would be used as an excuse, if we ratify this treaty, for our boys to be tried in some sort of kangaroo court by the North Vietnamese.

Now this is an absurd argument because under existing international law today the North Vietnamese have our prisoners, and they can try them for anything that they care to try them for, whether or not we sign this treaty doesn't change that situation one bit.

FREDERICK. Well, under this treaty, could Americans be tried by a foreign tribunal under any circumstances?

HAUSER. Yes, they would be tried by the courts of the place in which they committed the wrongful act, which is existing law. In other words if you go to Paris and you steal a pocketbook, you are subject to trial by the courts of France.

DOWNS. Even as a United States citizen.

HAUSER. Of course.

DOWNS. Yes. How does it impinge on states rights?

HAUSER. Well, originally, as you know, we limited civil rights legislation here, and many of the southerners would argue that our federal government didn't have the power to pass all that legislation that it has. And they were fearful that by enacting a treaty dealing with civil rights we would do what we couldn't do through the Congress. The so-called Bricker Amendment fight. That's of course all ancient history, because we've done all that in the Congress now, and their position has been proved improper under all the Supreme Court decisions on the subject.

DOWNS. Opposition to the United States ratifying the convention on genocide, the convention against the crime of genocide would make it appear as though those opposing were in favor of genocide. Well that's not necessarily the case, and it's much more complicated than that. And Pauline Frederick this morning has brought Mrs. Rita H. Hauser who is United States Representative on the Commission of Human Rights to the United Nations, and we are talking about the subject why there is opposition by the American Bar Association, for example, and it might be a good idea to review briefly just what the points of the convention are, so we have an idea what there is urging to ratify and what the opposition is.

HAUSER. The convention essentially makes genocide an international crime, and genocide is defined as acts such as killing or destroying the economic life of any ethnic racial, religious group, and the acts would be those with intent to destroy them in whole or in part.

This came out essentially of the Nazi period, as you noted before, in which indeed the Nazis attempted to eliminate physically not only the Jews but many other ethnic groups in Europe.

Now, we are interested in ratifying this convention, Hugh, not because this country commits genocide but to the contrary, to adhere to a rule of law internationally and demonstrate that we never have and I am sure never intend to commit genocide. By failing to ratify this many countries in the UN, particularly the Soviet group, accuse us of the commission of genocide in Vietnam. And while it seems simplistic to me or to you, they do make points by arguing why else do you not ratify this convention? The only reason you haven't ratified it is that obviously you are doing it. And it's for this reason that the President last week told the Senate that failure to ratify this convention, which 75 countries adhere to, is very detrimental to our foreign relations.

DOWNS. To our image.

HAUSER. Indeed.

FREDERICK. Mrs. Hauser, what are the chances of the Senate ratifying what the American Bar Association opposed?

HAUSER. I think the chances are very good. We—as I said to you earlier—carried the issue almost with a majority, had a very strong showing from everywhere in the country, and I am sure the Senate will appreciate that.

The American Bar Association's views are important, but they do not make foreign policy in this country, and I'm sure Senator

Fulbright and the other members of the committee will be aware of the great interest that so many Americans have in this subject.

DOWNS. What if genocide is practiced within a given country, such as reports coming out of Brazil now that certain groups are hunting down Indians and killing them to get their lands? In what way can an international body treat that?

HAUSER. Well, there's a perfect illustration, because Brazil is a party to the convention, and when you are a party, you have to make genocide a domestic crime, so that now if assuming there was any genocide here, any country could raise this in the world forum and take it before the Security Council if it were a threat to world peace, and otherwise attack any country practicing genocide within its borders. If that country has agreed that genocide is indeed an international crime.

FREDERICK. Is this question going to be brought before the Human Rights Commission, which began its sessions yesterday?

HAUSER. The question of the Brazilian Indians?

FREDERICK. That's right.

HAUSER. We had discussed that before, and now some fairly detailed reports that have come around—the Brazilian government will have to put in its answer fairly soon to these charges, and then we'll be able to debate it in full.

DOWNS. When will you testify?

HAUSER. I don't know when Senator Fulbright plans to call hearings, but it should be soon.

DOWNS. You'll be on that hearing. Thank you very much, Mrs. Rita Hauser, who is United States Representative on the Commission of Human Rights. And thank you, Pauline, for bringing her.

REALISTIC PAYMENTS LIMITATION IN FARM PROGRAMS

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD the recent testimony of former Under Secretary of Agriculture, John Schnittker, before the Senate Agriculture Committee. In his statement, Professor Schnittker urged the committee to adopt a realistic payments limitation—a limitation that would not adverse'y affect the family farmer nor endanger production control programs.

Mr. President, I believe that a $10,000 payment limitation per commodity meets these two tests. In fact, within the next few days I plan to introduce such an amendment to the coalition farm bill that I have cosponsored.

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

STATEMENT BY JOHN A. SCHNITTKER

I am John Schnittker, Professor of Economics at Kansas State University, Manhattan, Kansas. I am speaking only for myself today, not for any institutions or association. I hope I can contribute to a stronger agricultural economy, and to a pattern of federal spending which distinguishes more clearly than in the past, between high and low priority public programs.

I congratulate the Chairman on his statement to the Senate a few weeks ago supporting the Food and Agriculture Act of 1965 as effective legislation, and as the base from which to consider future farm policies. The 1965 Act has succeeded beyond expectations. It requires some amendments, but the basic approach is sound.

The 1965 Act stands out in sharp contrast to the phantom character of the Administration's farm policy.

After one year, we cannot be sure what program the Administration wants for farmers, or whether it wants any program at all. No bill has yet been advanced to Congress over the signature of the President or the Secretary.

The failure of the Administration to come to the support of farmers, and of legitimate farm price and income stabilization programs has been a calculated failure. It requires the Senate and the House of Representatives to address themselves to these questions even more seriously than in previous years.

Congress must lead the struggle to continue and to improve farm programs in 1970, since the President and the Administration will not.

The Food and Agriculture Act of 1965 provides a workable base from which to begin this effort. It should be amended, however, to adapt it to future needs, to treat commodity producers in different regions of the country more equitably, and to limit total payments to individual producers.

Farm programs were once needed to help small family farmers. Most farmers were in this group in the 1930's.

It is different today. We have 3 million farms, but only 1 million are serious producers. Most of the benefits of the commodity programs now go to relatively few farmers. One-third of our farmers market 90 per cent of our farm products; six per cent market 50 per cent.

Benefits from farm programs are distributed approximately in proportion to production on any farm. So price support programs help few persons on really small farms achieve the better life they want.

For the future, commodity-oriented farm policies must be designed principally for full-time farmers. We also need programs directed to the problems of small farmers and poor people in rural areas. Some form of minimum income or family assistance plan would reach many thousands of small farmers now almost entirely missed by price support programs.

Some of the federal funds now paid to our largest farmers would be better spent on other programs for farm or rural people. We should design and finance future policies affecting large farmers and small farmers in line with the real needs of the two groups. and in line with overall national needs.

THE 1965 ACT

The key features of the Food and Agricultural Act of 1965 were:

1. a system of direct payments to farmers for cotton, feed grains, and wheat;

2. revised price support loan formulas effectively setting parity prices aside and linking feed grains, wheat and cotton to world markets; and

3. effective acreage control programs.

Direct payments replaced high price supports, and voluntary (payment-based) acreage diversion replaced (supplemented, in the case of cotton and wheat) the former rather rigid system of acreage allotments.

These features of the 1965 Act should serve as building blocks for future programs for commercial agriculture.

FEED GRAINS

The feed grain program in the 1965 Act is good legislation. Price support and payment formulas are flexible. The Secretary of Agriculture has discretion to administer the program toward a wide-enough range of income and cost objectives.

Feed grain payments under this Act have been set at levels which encouraged just enough farmers to participate in acreage diversion, to reduce the stored surplus and later to gear annual crops to current needs. This is the kind of formula that should apply to all the commodity programs.

Existing law would permit surplus-free stabilization of feed grain supplies in the 1970's. If present price support loan levels were continued, annual expenditures would probably range from the current level of $1.5 billion a year, to perhaps $2 billion a year by 1973 or 1974, if yields rise faster than feed grain utilization, as I expect. There is adequate authority in present law, either to stabilize farm income and total program costs to reduce them, or to allow cost increases as described above. The range in which market prices could be supported under existing law is wide enough to suit almost any point of view on farm policy for the past 3 years.

It is extremely important, however, to expand feed grain exports. To this end, it would be better if the loan level for corn were to be related to world price levels, and if feed grain payment levels were set strictly according to acreage diversion and income targets. No other amendments are needed in the feed grain program.

It is feasible, however, for Congress to set a maximum level on total payments to producers of feed grains (in fact, any commodity) in advance, and to require the payment program to operate within that authorization.

WHEAT

The 1965 wheat program was a constructive change from the previous approach. Wheat is now priced as a feed grain; wheat and feed grain acreages are interchangeable on farms; wheat prices in the market are required to be supported near world price levels. The Secretary of Agriculture has adequate discretion in administering *most* features of the wheat program.

The payment (certificate) formula is too rigid, however. Payments are tied to parity prices, which are now obsolete except as a guide to the past, and should be systematically removed from the law. Wheat program costs to the federal government must increase by some $30 million each year as a result of this feature.

The payment formula for wheat should be amended to provide the opportunity for the Executive Branch and Congress to determine payment levels in advance, on a year-to-year basis through the budget and appropriations process.

COTTON

The cotton program in the 1965 Act is seriously in need of amendment. We ought to start out fresh, although the basic idea of competitive level price supports supplemented by direct payments is as sound for cotton as for the grains.

Payments of $900 million per year, mostly to large-scale cotton producers, are exorbitant by any standard. Cotton payments should be made only on the amount of cotton used in the United States, now some 8 million bales per year. This would be the same as in the wheat program. The payment level per pound should not be fixed as it is in present law. Congress and the Executive Branch should have the freedom to set maximum payments from year to year in the budget and appropriations process.

The present language in the law setting a minimum payment of 9 cents per pound on the domestic allotment could be retained if language requiring total payments to be the equivalent of 65 per cent of parity on a fixed amount of cotton were to be deleted.

The "snap-back provision" exempting cotton from payment limitations must be deleted to make an across-the-board limitation on payments to individual farmers effective for cotton.

Acreage allotments for cotton should also be phased out or eliminated.

UNEQUAL TREATMENT

Feed grains, wheat, and cotton production are concentrated in different geographic regions. Unequal treatment of these commodities under our payment programs is, in fact, unequal treatment of the farmers who live in different parts of the country.

Rigid payment programs noted above require large direct income subsidies to cotton producers, and to a lesser extent to wheat producers. Payments to feed grain producers, however, include little or no direct income subsidy. Nearly the entire feed grain payment serves the function of production control, not income subsidy.

This is well illustrated in a tabulation made available last year by Secretary Hardin:

A FUNCTIONAL CLASSIFICATION OF DIRECT PAYMENTS TO FARMERS IN 1968

Program	Total payments (million dollars)	Supply management		Income supplement	
		Million dollars	Percent	Million dollars	Percent
Cotton	784	276	35	508	65
Feed grains	1,369	1,221	89	148	11
Wheat	746	384	51	362	49
Total	2,899	1,881	65	1,018	35

I repeat: feed grain payments in 1968 were almost entirely devoted to limiting output (supply management), while only ⅓ of total cotton payments served that function.

In 1970, nearly the entire amount of $900 million for cotton payments will be an income subsidy, since the national acreage allotment for cotton has been increased, and cotton acreage is not severely limited on many farms. It certainly cannot be argued that a major part of cotton payments are for supply management.

One-half of all wheat payments in 1968 were direct income subsidies, but the 1970 figure will be lower, since the national acreage allotment has been reduced and wheat farmers must leave more of their land idle this year.

There is no justification for unequal treatment of producers in different regions. I urge the Senate to modify the payment formulas for cotton and wheat so that this situation can be corrected.

A PAYMENT LIMITATION

One major new provision should be added to the 1965 Act. *I urge the Senate to adopt a limitation on payments to any producer of farm products or owner of agricultural land.*

If the limitation applies to all programs together, including wool and sugar, it should not be higher than $20,000.

Alternatively, a limitation of $10,000 could be applied to each commodity program. This could be administered somewhat more effectively. I have argued on another occasion that the ceiling could be as low as $5,000 per program, but I believe the higher figure of $10,000 would be a better choice for 1970.

A ceiling of $10,000 *per program* would be similar on many farms to a ceiling of $20,000 *per farm*, since most farmers have several crops. The $10,000 figure would affect more producers, however. Approximately 25,000 farmers—still less than 1 per cent of all farmers—would be affected by such a ceiling. In 1968, this included 3.4 per cent (15.097) of all cotton producers with about 45 per cent of total cotton acreage, 0.4 per cent (5,428) of all feed grain producers with 6 per cent of total production, and 0.6 per cent (4,861) of all wheat producers with 10 per cent of all wheat production. Payments to these farmers (not counting sugar and wool) would have been reduced by about one-half, or by $250 million a year, if a $10,000 ceiling had been in effect in 1968 or 1969. Adding sugar and wool would increase savings materially, while affecting few additional producers.

Only 10,000 producers would have been affected by a $20,000 per farm limitation in 1968. Payments on those farms would have been reduced by about one-half—from $380 million to $200 million—for a saving of $180 million. Two per cent of all feed grains, 3–4 per cent of all wheat, and around 28 per cent of all cotton produced was grown on farms that would have been affected.

Acreage diversion programs would be workable with payment limits at levels mentioned above. For the grains, such small proportions are grown on large farms that production control would easily continue to be effective.

Cotton payments, however, serve the function of enhancing income, not of limiting production. I know it will be argued that cotton cannot be produced without huge subsidies. Some fear that our payments balance will suffer for lack of cotton to export.

I say it is ridiculous to pay cotton farmers $900 million a year to produce cotton worth only slightly more than $1 billion, and to produce cash exports of some $300 million per year. Our federal funds are too scarce, our public needs too great, and our balance of payments problems not nearly important enough to justify such payments.

It is regrettable that the argument has again been made in 1970, that limiting payments to large farmers would destroy the farm programs and hurt small farmers. This claim is absolutely without foundation, as shown earlier.

Put another way, this argues that the way to help small farmers is to pay out more federal money to big farmers. This is a serious distortion.

A payment limitation will be difficult for some producers. Land values inflated by huge payments may come down. Some areas may produce less cotton, but many large growers, relieved of allotments, would produce more.

I urge Congress to adopt a limit of 10,000 *per program* to apply to 1971 and subsequent crops. Congress should also provide firm directives against evasion of this provision.

THE SET-ASIDE (ADMINISTRATION BILL)

The set-aside is not so different from acreage diversion programs operating under existing law. It would give farmers valuable new alternatives in using their land, but it would also bring some problems.

The bill as it stands, however, defies analysis. It includes unnecessarily broad administrative discretion for price supports, and virtually no guidelines. Under it, farm price supports, farm income and farm program spending could be substantially increased, or materially reduced by executive action.

A degree of discretion is essential to good administration. But the extent of discretion in the new bill is neither desirable nor useful.

A comprehensive and sympathetic analysis of the set-aside proposal by Professor Tweeten of Oklahoma State University a few weeks ago came to the following conclusions:

If cotton, feed grains, and wheat program costs paid by the federal government *were to be fixed* at recent levels, the set-aside would bring farmers $.5 billion less net income in 1971, than the present program.

If total net income were to be maintained at recent levels, the set-aside would cost the government about $.5 billion more than the existing programs would cost in 1971.

This is not a high recommendation. Even so, the set-aside idea has features leading to greater flexibility, especially for cotton, which ought to be examined.

FARM ORGANIZATION PROPOSALS

My general views on two proposals made by farm organizations are probably clear from my earlier statements.

The Farm Bureau bill features a 5-year transition to long-term land retirement contracts as the only means for limiting output. This will not work, in my opinion. Long-term land retirement is a useful and efficient supplement, but not a replacement for annual acreage diversion programs.

I favor a long-term program, and I had something to do with developing the Cropland Conversion and Cropland Adjustment Programs. Long-term contracts should be expanded and annual diversion programs reduced over time if we are to maintain reserve productive capacity in agriculture. But long-term contracts alone are not enough.

The other major feature of the Farm Bureau bill relates to compensation for low-income farmers, and is an idea deserving much greater study and support.

The Coalition bill has good features arising out of the 1965 Act. It includes, however, a number of provisions which lack merit. These include a minimum loan rate and minimum total price support for grains, an export payment for wheat, and a minimum price support level and acreage diversion program for oilseeds.

The extra annual cost of perhaps $1 billion or more each year for these features would not be a good investment, considering the distribution of farm program benefits and the clear need for greater funding of many other programs.

Present law and various bills apply to much more than cotton, feed grains and wheat. I will be glad to respond to questions on any aspect of agricultural legislation.

EDUCATION—THE NEED FOR ADEQUATE FUNDING

Mr. MONTOYA. Mr. President, throughout my years in public service I have always considered education to be of primary importance and have consistently sought expanded and improved educational assistance programs at both the Federal and the State level. In my opinion, education is the single most significant factor in our fight to eliminate poverty, hunger, inadequate health care, poor housing, discrimination, and many other dire social and economic problems facing our Nation today. We can have no more worthy objective than providing a sound education for every American child and a chance to allow him to become all that his ambitions and abilities permit him to become.

Because there is no single area of national responsibility more important and more urgent than education, it is imperative that our Federal educational assistance programs receive full funding whenever possible.

Mr. President, we have all heard a great deal in recent months about the need to cut back Federal spending in order to curb runaway inflation. Inflation is the most serious threat to the financial well-being of every American citizen today. Every individual living in this country has felt this inflationary squeeze, and all agree that forceful action from the Federal Government is required to deal with this problem.

I, too, believe we must do everything possible to keep Federal expenditures down to a minimum. But I strongly assert that our failure to slash $1.4 billion for education—the amount needed to bring the amounts appropriated by Congress in line with the original administration request—will not contribute to the inflationary spiral when coupled with cutbacks in less essential areas. This, Congress has already done. The facts are

plain for everyone to read. When comparing congressional action on the original appropriations bill with the administration's original total requests submitted in 1969, we find that Congress actually provided $5.6 billion under the President's recommendations.

It is clear, then, that Congress has responded to the challenge of cutting costs to hold down inflation. We have pared back the administration budget sharply in line with our concern for inflationary pressures. At the same time, figures show we have asserted our constitutionally assigned powers to reorder national priorities away from nonessential spending and closer to critical human needs.

Mr. President, education is only a small part of the total annual Federal budget, especially when we compare it with massive defense expenditures. For decades Congress has accepted without question exorbitant military budget requests. In the meantime the Department of Defense has grown into a monster, devouring the bulk of our tax dollars. In the past year Congress for the first time began to shoulder the burden of giving a thorough review to the military budgets, and as a result, we were able to cut down by several billion dollars without detriment to our national defense. The DOD funds we were able to save were four times greater than the amount we appropriated over the budget request for education.

Despite these savings, the President went ahead and vetoed the fiscal year 1970 appropriations bill for the Departments of Health, Education, and Welfare and Labor, calling the bill inflationary. The President stated he would accept $449 million of the increases in the bill, leaving a net increase of $690 million. The House of Representatives has cut $364 from the bill Mr. Nixon vetoed on January 27, and now the Senate has approved the same amount but with an amendment cutting 2 percent of the funds from the total bill. This amount is actually $232 million above the total the President said he would accept.

The Senate agreed to this amendment because the President has again threatened to veto this new bill if the Senate did not make further cuts. I wish to state that I am opposed to this move to appease the administration. I find this war against education outrageous.

In my own State of New Mexico, the President would reduce Federal education funds by $2.6 million: Vocational education would be cut by $894,072 below the amount appropriated by Congress. Libraries and community services would be slashed by $151,616. Elementary and secondary education would be cut by $375,990.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a breakdown of Office of Education obligations for New Mexico.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OBLIGATIONS IN THE STATE OF NEW MEXICO

Program	1969 actual	1970 budget requests	1970 conference agreement
OFFICE OF EDUCATION			
Elementary and secondary education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$9,794,395	$9,875,844	$9,875,844
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	288,109	----------	283,617
Supplementary educational centers and services (ESEA III)	1,112,240	860,486	1,108,128
Strengthening State departments of education (ESEA V):			
Grants to States	319,982	319,982	319,982
Grants for special projects	----------	----------	----------
Acquisition of equipment and minor remodeling (NDEA III)[1]			
Grants to States	525,835	----------	----------
Loans to nonprofit private schools	----------	----------	----------
State administration	13,333	----------	----------
Guidance, counseling, and testing (NDEA V)	100,396	----------	100,238
Subtotal, elementary and secondary education	12,304,290	11,206,312	11,837,809
Instructional equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States	----------	----------	596,353
Loans to nonprofit private schools	----------	----------	----------
State administration	----------	----------	13,333
Subtotal, instructional resources	----------	----------	609,686
School assistance in federally affected areas:			
Maintenance and operations (Public Law 81-874)	10,219,522	6,147,000	11,209,000
Construction (Public Law 81-815)	229,219	----------	----------
Subtotal, SAFA	10,448,741	6,147,000	11,209,000
Education professions development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	142,814	155,814	173,273
Training programs (EPDA parts C and D)	183,920	----------	----------
Subtotal, education professions development	326,734	155,814	173,273
Teacher Corps	456,756	----------	----------
Higher education:			
Program assistance:			
Strengthening developing institutions (HEA III)	159,660	----------	----------
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	169,625	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)	73,684	----------	----------
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	----------	307,654	307,654
Other undergraduate facilities (HEFA I—Section 104)	1,361,848	----------	184,264
Graduate facilities (HEFA II)	300,000	----------	----------
State administration and planning (HEFA I—Section 105)	80,506	62,013	62,013
Student aid:			
Educational opportunity grants (HEA IV-A)	954,594	381,399	332,197
Direct loans (NDEA II)	1,040,703	826,911	1,185,068
Higher education—Continued			
Insured loans:			
Advances for reserve funds	----------	----------	----------
Interest payments	$59,250	----------	----------
Work-study programs (HEA IV-C)	1,288,791	$972,393	$972,393
Special programs for disadvantaged students:			
Talent search	113,000	----------	----------
Personnel development:			
College teacher fellowships (NDEA IV)	509,300	----------	----------
Training programs (EPDA Part E)	59,000	----------	----------
Subtotal, higher education	6,169,961	2,722,984	3,216,203
Vocational education:			
Basic grants	1,547,049	1,524,933	2,311,486
Innovation	----------	214,256	214,256
Work-study	----------	----------	57,719
Cooperative education	----------	219,993	219,993
Consumer and homemaking education	----------	96,223	128,358
Programs for students with special needs	----------	----------	256,821
Research	----------	----------	210,303
Subtotal, vocational education	1,547,049	2,055,405	3,398,936
Libraries and community services:			
Grants for public library services (LSCA I)	255,312	163,798	255,312
Construction of public libraries (LSCA II)	132,985	----------	105,859
Interlibrary cooperation (LSCA III)	40,842	40,842	40,842
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073	25,073
College library resources (HEA II-A)	196,710	----------	----------
Librarian training (HEA II-B)	8,380	----------	----------
University community service programs (HEA I)	121,677	121,677	121,677
Adult basic education (Adult Education Act):			
Grants to States	289,178	314,106	314,106
Special projects and teacher education	933,162	----------	----------
Educational broadcasting facilities	----------	----------	----------
Subtotal, libraries and community services	2,042,828	705,005	902,378
Education for the handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	175,883	175,883	175,883
Teacher education and recruitment	291,082	----------	----------
Research and innovation	132,876	----------	----------
Media services and captioned films for the deaf	352,753	----------	----------
Subtotal, education for the handicapped	952,594	175,883	175,883
Research and training:			
Research and development:			
Educational laboratories	862,244	----------	----------
Research and development centers	----------	----------	----------
Vocational education	50,000	15,000	15,000
Subtotal, research and training	912,244	15,000	15,000
Colleges for agricultural and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	43,107	(2)	(2)
Education in foreign languages and world affairs	99,838	----------	----------
Civil rights education	367,646	----------	----------
Total, Office of Education	35,721,788	23,233,403	31,588,168
Total, Office of Education comparable basis[3]	30,637,560	23,233,403	31,588,168

[1] This program is funded from both the elementary and secondary appropriation and the new instructional equipment appropriation in 1970.
[2] Included under Basic Grants—Vocational Education.
[3] The 1969 actual column shows obligations for project type programs where the State by State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OBLIGATIONS FOR THE STATE OF NEW MEXICO

Program	President's compromise	2d House action
OFFICE OF EDUCATION		
Elementary and secondary education:		
Assistance for educationally deprived children (ESEA I):		
Basic grants	$9,888,110	$9,875,844
State administrative expenses	150,000	150,000
Grants to States for school library materials (E EA II)		283,617
Supplementary educational centers and services (ESEA III)	1,003,331	860,486
Strengthening State departments of education (ESEA V):		
Grants to States	319,982	319,982
Grants for special projects		
Acquisition of equipment and minor remodeling (NDEA III): [1]		
Grants to States		
Loans to nonprofit private schools		
State administration		
Guidance, counseling, and testing (NDEA V)	100,396	100,969
Subtotal, elementary and secondary education	11,461,819	11,590,325
Instructional equipment:		
Equipment and minor remodeling (NDEA III): [1]		
Grants to States		
Loans to nonprofit private schools		
State administration		
Subtotal, instructional resources		334,183
School assistance in federally affected areas:		
Maintenance and operations (Public Law 81-874)	11,209,000	10,778,000
Construction (Public Law 81-815)		
Subtotal, SAFA	11,209,000	10,778,000
Education professions development:		
Preschool, elementary, and secondary:		
Grants to States (EPDA B-2)	155,814	173,273
Training programs (EPDA parts C and D)		
Subtotal, education professions development	155,814	173,273
Teacher Corps		
Higher education:		
Program assistance:		
Strengthening developing institutions (HEA III)		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)		
Construction:		
Public community colleges and technical institutes (HEFA I—Sec. 103)	307,654	307,654
Other undergraduate facilities (HEFA I—Sec. 104)		184,264
Graduate facilities (HEFA II)		
State administration and planning (HEFA I—Sec. 105)	62,013	63,013
Student aid:		
Educational opportunity grants (HEA IV-A)	332,197	332,197
Direct loans (NDEA II)	826,911	1,185,068
Insured loans:		
Advances for reserve funds		
Interest payments		
Higher education—Continued		
Work-study programs (HEA IV-C)	$972,393	$972,393
Special programs for disadvantaged students:		
Talent search		
Personnel development:		
College teacher fellowships (NDEA IV)		
Training programs (EPDA Pt. E)		
Subtotal, higher education	2,673,782	3,216,203
Vocational education:		
Basic grants	1,974,392	1,974,392
Innovation	214,256	214,256
Work-study		28,860
Cooperative education	219,993	219,993
Consumer and homemaking education	96,223	112,296
Programs for students with special needs		128,359
Research		101,033
Subtotal, vocational education	2,504,864	2,779,189
Libraries and community services:		
Grants for public library services (LSCA I)	209,555	255,312
Construction of public libraries (LSCA II)		105,859
Interlibrary cooperation (LSCA III)	40,842	40,842
State institutional library services (LSCA IV-A)	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073
College library resources (HEA II-A)		
Librarian training (HEA II-B)		
University community service programs (HEA I)	121,677	121,677
Adult basic education (Adult Education Act):		
Grants to States	314,106	314,106
Special projects and teacher education		
Educational broadcasting facilities		
Subtotal, libraries and community services	750,762	902,378
Education for the handicapped:		
Preschool and school programs for the handicapped (ESEA VI)		
Teacher education and recruitment		
Research and innovation		
Media services and captioned films for the deaf		
Subtotal, education for the handicapped	175,883	175,883
Research and training:		
Research and development:		
Educational laboratories		
Research and development centers		
Vocational education	15,000	15,000
Subtotal, research and training	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (2d Morrill Act)	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)		
Education in Foreign Languages and World Affairs		
Civil Rights Education		
Total, Office of Education	28,996,924	30,014,434
Total, Office of Education comparable basis [2]		

[1] This program is funded from both the elementary and secondary appropriation and the new instructional equipment appropriation in 1970.

[2] The 1969 actual column shows obligations for project type programs where the State by State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

Mr. MONTOYA. Mr. President, the State of New Mexico is not a rich State. Fourteen percent of the State's education revenues is derived from Federal sources. Only four States in the Nation receive a higher percentage of their total education funds from the Federal Government. Only three other States receive less in local and other revenues than New Mexico. A tremendous burden has been placed on the State government to provide enough money to educate New Mexico's young people. If the Federal funds are further reduced, as Mr. Nixon is proposing, New Mexico will suffer greatly as a result.

During the past year I have continually emphasized the fact that not only New Mexico but the Nation as a whole simply cannot afford this low priority given to our Federal educational programs. In October of last year I introduced Senate Joint Resolution 163, a resolution to increase permissible funding levels for all Office of Education programs until Congress completed action on the fiscal year 1970 appropriations bill. I was deeply gratified that the resolution became a part of the continuing resolution passed at that time as well as all subsequent continuing resolutions.

I ask unanimous consent to insert at this point in the RECORD the statement I made at the time of introducing this resolution on October 28, 1969, and additional statements my colleagues and I made at the time my resolution was passed in the Senate, November 13, 1969.

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

[From the CONGRESSIONAL RECORD, Oct. 28, 1969]

SENATE JOINT RESOLUTION 163—INTRODUCTION OF SENATE JOINT RESOLUTION AUTHORIZING INCREASED FUNDING FOR U.S. OFFICE OF EDUCATION PROGRAMS

Mr. MONTOYA. Mr. President, I introduce on behalf of myself and Mr. PELL, Mr. RANDOLPH, Mr. JAVITS, Mr. BAYH, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SPONG, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. ALLEN, Mr. DODD, and Mr. TOWER, a joint resolution which increases permissible funding levels for all programs under the U.S. Office of Education to the level set by H.R. 13111, the fiscal year 1970 appropriation bill for the Department of Labor and the Department of Health, Education, and Welfare, instead of that set by either the much reduced amount in the President's budget request or the fiscal year 1969 appropriations.

Mr. President, a glance at the tabulation will show that the amounts in the House-passed H.R. 13111 are $1 billion, $25 million over the budget request and approximately $600,000 over the fiscal year 1969 appropriation. The resolution we are introducing today would permit the Office of Education to expend funds at the greater level in H.R. 13111 until Congress completes action on the appropriation bill.

As you know, Mr. President, Congress has not yet completed action on fiscal year 1970 appropriations for programs in the U.S. Office of Education. As I pointed out on September 10 when I sponsored a joint resolution (S.J. Res. 148) providing similar school aid relief to federally impacted areas, the unavoidable delay in appropriations causes much uncertainty and many difficulties for education agencies which must function for several months not knowing the total amount of funds with which they have to operate. The continuing resolution presently in effect authorizes the Department of Health, Education, and Welfare, among other agencies, to expend funds at last year's rate or the President's fiscal year 1970 budget request, whichever is the lesser. A review of the above tabulation will show that this is simply not adequate.

The House-passed H.R. 13111 provides, as I have stated, for education programs, funds of more than $1 billion over the President's budget request. I feel confident that the Senate will uphold, and even increase, the amounts voted by the House. In light of the nearly assured action of Congress to amend the President's budget request, the present continuing resolution represents the imposition of an unnecessary hardship on federally funded education programs. This interim funding procedure is creating havoc with most school budgets and is particularly harmful to school programs involving vocational education, education for the handicapped, aid for educationally deprived children, aid to federally impacted areas, and direct loans for college students. We in Congress must not penalize the schools for our own unavoidable procedural inefficiencies.

If we do not enact this joint resolution promptly, Mr. President, we will, in fact, be penalizing our schools and our Nation's children. Unless we act now, schools will necessarily be forced to make drastic cuts in services, personnel, equipment, materials, and other vital areas. This will have the resultant effect of a poor quality education. Let us demonstrate our commitment to quality education by enacting this resolution and freeing the necessary funds for all education programs.

The resolution we are proposing is identical with one introduced in the other body, cosponsored by 227 Members of the House. Debate on that will be occurring today. I am hopeful that that measure will be adopted by the House today. By evincing our strong support for the measure now being introduced, we can assure our colleagues in the House of our collective support for meeting the educational needs of our children and schools thus enabling them to avoid any specious argument to the contrary which may be offered by those who have not assessed the depth of our commitment. I am very pleased to state that the resolution, which has strong bipartisan support, is one which can command the allegiance of all Senators of both parties. I wish to thank my colleague, the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, and my colleague, the Senator from West Virginia (Mr. RANDOLPH), senior member of the Committee on Labor and Public Welfare, and my colleague, the Senator from New York (Mr. JAVITS), ranking Republican member of the full committee, for joining with me at this time in presenting this resolution to the Senate on our behalf and on behalf of all those who have joined us in cosponsoring this measure.

Mr. President, this measure affects every State in the Nation and it affects every program administered by the U.S. Office of Education. Some programs would be assisted more than others, some States more than others. But in the final analysis, all States and thus children and scholars throughout the Nation will benefit if this measure is enacted.

Mr. President, a State-by-State breakdown of the various levels of funding involved may be found in the CONGRESSIONAL RECORD of October 21, 1969, at pages S12900–S12957. All States will benefit in the end. Quality education will be enhanced.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the joint resolution.

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

The joint resolution (S.J. Res. 163) to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education agencies, institutional agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," introduced by Mr. MONTOYA (for himself and other Senators), was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

[From the CONGRESSIONAL RECORD, Oct. 28, 1969]

S.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 101(b) and section 101(d) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes," approved June 30, 1969 (83 State. 38), in addition to the sums appropriated by such joint resolution, such additional sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the Department of Health, Education, and Welfare for the fiscal year 1970, as may be necessary for carrying out programs and projects and for making payments to State and local educational agencies, institutions of higher education, and other educational agencies and organizations, of the amounts to which they would be entitled for the fiscal year 1970 pursuant to the provisions of those paragraphs captioned "Office of Education" in the, H.R. 13111, which passed the House of Representatives on July 31, 1969, entitled "And Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

[From the CONGRESSIONAL RECORD, Nov. 13, 1969]

CONTINUING APPROPRIATIONS, 1970

Mr. HARRIS. Mr. President, I would say further I think it is extremely important that we pass this continuing resolution with the portion of it dealing with education, and that we not accept the pending amendment.

Mr. President, lastly, I wish to pay tribute to the distinguished Senator from New Mexico (Mr. MONTOYA), whose leadership has been so important during the last weeks and months in bringing us to the point where we could see these increased educational funds becoming a reality. I hope the Senate will vote down the pending amendment and agree to the continuing resolution which is now before the Senate.

Mr. YARBOROUGH. Mr. President, as chairman of the Senate Committee on Labor and Public Welfare, I wish to take this opportunity to express my appreciation for the role that my friend and colleague, Senator JOSEPH MONTOYA, has played in fighting for increased funds for education. It was through his leadership and perseverance that the Senate Appropriations Committee, on which both he and I sit, passed unanimously House Joint Resolution 966—the continuing resolution, including substantial spending provisions for education programs.

Senator MONTOYA spearheaded the drive in the Senate to provide these needed moneys for the education of all American youngsters, and it was his sponsorship of such a resolution in the Senate which prompted the House to take action on education appropriations under the continuing resolution, which resulted in passage by that body of a measure adding more than $1 billion to the administration's budget for temporary education funding.

The actions of the Congress this year to date in appropriating funds for education have been nearly revolutionary. Education has come to the floor as a matter of urgent National priority; and Senator MONTOYA's role in this fight for improving both the quality and quantity of the education services we provide our young people comes as no surprise to me nor, I am sure, to any other Member of the Senate familiar with his record.

As a member of the Senate Committee on Labor and Public Welfare since 1958, and now as chairman of that committee since the beginning of this session of the Congress, I have had the opportunity to scrutinize the education voting records of many of my colleagues. JOSEPH MONTOYA has always been on the side of progressive education legislation.

In particular, as author of the Bilingual Education Act, I can testify to Senator MONTOYA's dedication to the improvement of educational opportunities for the children of Spanish descent who suffer serious educational disadvantages. New Mexico, like my own State of Texas, has a high concentration of children from such families. I am most thankful for Senator MONTOYA's support in providing legislation specifically designed to assist these children.

Senator MONTOYA's effective marshalling of support for the continuing resolution containing increased funds for education merits the appreciation, not only of the citizens of his State and of mine, but of the entire Nation.

Just yesterday afternoon the Subcommittee on Education, under the chairmanship of Senator PELL of Rhode Island, reported to the full Committee on Labor and Public Welfare the Elementary and Secondary Education Amendments of 1969, which vastly improve the educational program for the children in this country. I know that Senator MONTOYA, with his fine record of supporting education legislation, will join with like-minded Senators in supporting this bill when it comes to the floor of the Senate.

SENATE SUPPORT OF EDUCATION IS VITAL TO NATIONAL WELL-BEING

Mr. RANDOLPH. Mr. President, education is a key to the economic and social strength of our Nation, a hope in part for coping with the turbulence and uncertainties of our complex age, and a means for fulfillment of service and success in individual lives.

It is fundamental to the American ideal of equality of opportunity for worthwhile development of individual abilities. The American commitment to equality of opportunity is more fully realized through quality education which must be made available to all who can benefit from it.

Education is expected to produce citizens equipped to live and work in a rapidly changing society.

Education—quality education—is vital to our growth and well-being.

But the process of teaching and learning can be no better than the people determine it to be; therefore, these are problems to be shared by all of us—requiring utilization of every source of support.

Now before the Senate is House Joint Resolution 966, the continuing resolution which will allow over a $1-billion increase in funds for the operation of many important educational programs on a temporary basis. Educators charged with the responsibility for providing quality education for the Nation's youth have experienced a most difficult situation since this school year began. Many programs cannot be carried forward because of a lack of funds and because of other administratively imposed budgetary restrictions.

Mr. President, the education of Americans is a priority matter. Time wasted is time lost. These years of schooling are not a biding time until adulthood but a time for growth in knowledge as well as stature. On these crucial years an educational base for productive life must be built.

It was my privilege to join with the able Senator from New Mexico (Mr. MONTOYA) and other colleagues in sponsoring an education funding resolution similar to the provisions of the measure now before the Senate. It is gratifying that our diligent colleagues on the Appropriations Committee have recommended approval of this altered procedure to fund the education programs at the level approved by the House of Representatives until Congress has completed action on the Department of Health, Education, and Welfare appropriations legislation. It is my hope that the Senate will voice its support for a realistic program of educational assistance by approving this resolution.

As a member of the Senate Education Subcommittee, I have participated actively in the formulation of the many education assistance programs of this decade. These have been landmark measures. We have broken new ground, and we will continue to refine and build. In a sense the Congress made a national commitment to quality education. But that commitment has been lessened by our inability to provide the necessary funds to implement education programs. The pending resolution is a revitalization of our commitment. It is tangible evidence of the growing support to provide increased funding for education.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 966) was passed.

Mr. MANSFIELD. Mr. President, the junior Senator from New Mexico (Mr. MONTOYA) is necessarily absent from the Senate today. I would not want this opportunity to pass without paying tribute to him for his untiring efforts in behalf of American education. Today we have passed a continuing resolution providing for the release of operating funds for education programs. It is no exaggeration to say that the single most important force behind this victory for education was JOSEPH MONTOYA.

Education this year has been recognized as a matter of national urgency and deserving of national priority. We have acknowledged a mandate from the people in support of education programs, and we have seen that mandate reflected in the appropriations process, through the leadership of such men as JOSEPH MONTOYA.

We cannot believe in education, however, or profess to, without supporting every opportunity which comes our way to provide a quality education for every child in this country. There are many who profess to believe in education, and there are many who do support education measures when a vote is called. But how many are there who consistently take the positive action which is so vital to the success of legislation which supports the public schools of this country?

Such a man is JOSEPH MONTOYA. He is not only a supporter but a leader in the cause of progressive education legislation, and the results of his leadership have been seen today, with the passage of this resolution which is so vital to the operation of our schools.

I ask unanimous consent to have printed in the RECORD remarks which Senator MONTOYA would have made had he been here.

There being no objection, the statement was ordered to be printed in the RECORD.

[From the CONGRESSIONAL RECORD, Nov. 13, 1969]

STATEMENT OF SENATOR MONTOYA

I wish to thank the distinguished Chairman of the Committee on Appropriations, the Honorable Richard Russell, for his cooperation in reporting the continuing joint resolution for our consideration today. I know that it was not easy for him to agree to do so because of the Montoya-Cohelan amendment in the joint resolution pertaining to education funds.

I wish to stress as strongly as I can that I do not want to leave any indication or implication whatsoever that the distinguished Committee Chairman is any less sensitive than I to the education needs of our country. As a member of, and now Chairman of the Appropriations Committee, Senator Russell has served this country for many years in a dedicated and loyal manner. He has assisted on and presided over many bills appropriating great sums of money for education—normally far more than was appropriated by the other body.

I do appreciate, however, that there was some concern on the part of the committee chairman and others that we might be establishing a precedent by adopting this amendment with respect to education appropriations.

But more is at stake here than a precedent with respect to the nature of a continuing resolution. The very concept of providing a sound education for our nation's children is at stake.

I stand here as a spokesman for three allied interests. I speak for my constituency in New Mexico, for Senators who have joined with me in cosponsoring Senate Joint Resolution 163, and for the millions of students, teachers, and educators across the Nation.

My message is simple, and I shall try to be as brief as possible, knowing well the terrific pressures of time and circumstances under which Congress is working.

The continuing joint resolution before us provides, of course, funding for all those agencies whose fiscal year 1970 appropriation bill has not yet become law. The previous continuing resolution expired on October 31, 1969, and the agencies affected have been without obligating and funding authority since. While the agencies have been able to operate on a temporary and uncertain basis during this interim, the time has run out for them and they must have legislative authority to make payrolls that have become due. For example, this Friday the Department of Defense military personnel payroll becomes due as do those of the Weather Bureau and the Architect of the Capitol. Also this weekend, the payroll for the Coast Guard is due. Next week the payrolls for the personnel at the Tennessee Valley Authority, the Department of Defense civilian personnel, and every other agency whose appropriation bill has not been enacted, will become due. We must enact this continuing joint resolution today, unchanged from that passed by the House in H.J. Res. 966, if these agencies are to pay their employees on time.

I think every Senator fully understands that aspect and appreciates the need for urgency. We have no time for a Senate-House Conference. We must approve H.J. Res. 966 without amendment.

Of course, at this moment the subject of great concern for all of us is that portion of the continuing resolution which pertains to the interim funding of education programs. There are few among us who would not agree that education ranks very high as a national priority. That is not the issue. Rather, the issue is whether we should express our belief in the importance of education by supporting a continuing resolution which would fund education programs at a level substantially above last year's appropriations and this year's administration budget request. On this issue, at least 47 of our colleagues here in the Senate have committed themselves to education as an action priority by cosponsoring S.J. Res. 163, which I introduced. Thus, at least 47 members of this body have already stated that we should fund education programs during this interim period at the level provided for in the House-passed HEW appropriation bill for FY 1970.

H.J. Res. 966 as passed by the House was amended on the floor of the House to include the language of S.J. Res. 163. This provision simply states that the Office of Education programs will be funded during this interim period at the level contained in the House-passed HEW appropriation bill for FY 1970 (H.R. 13111), instead of at the lesser levels represented either by last year's appropriations or this year's budget request.

Briefly, H.R. 13111 represents an increase of approximately $605.5 million over last year's appropriation and more than $1 billion over this year's administration budget request.

The question has been asked as to why we should provide funding of education programs during this interim period at the House-passed level for FY 1970 instead of at the traditional level provided for in a continuing resolutions, of last year's appropriation or the new budget request, whichever is lesser. This is a fair question and deserves a straight answer.

The House in its wisdom has recognized the severe inadequacy of both the fiscal year 1969 appropriation and this year's administration budget request. Although we have authorizations for education programs totalling nearly $9 billion for FY 1970, the budget request for FY 1970 and last year's appropriations are far below this amount.

In order to remedy this inadequacy and more realistically approximate the true needs of education, the House, late in July, passed H.R. 13111. Many Senators, probably a majority, silently applauded this action on the part of the House. Although encouraged by the positive trend established by the other body, I have found that many Senators agree that the increases voted by the House do not go far enough. The Senate, during the past 10 years, except for one instance, has traditionally appropriated more money for education than has the House. There is no reason to feel that we will not do so again. Unfortunately, however, unavoidable delays have put final passage of the appropriations bill for HEW in the Senate in the uncertain future. It may be late November or early December before the Senate will have an opportunity to vote on the bill. In the meantime, we cannot cheat on our obligations to provide for sufficient funding for education programs.

From my point of view, one that is shared by the other cosponsors of S.J. Res. 163, logic and obligation demand that we uphold as a minimum the level established by H.R. 13111 while awaiting passage of the final appropriations bill. We must firmly establish our intention to meet the real financial requirements of quality education programs; and the surest way of establishing our intention is through immediate passage of H.J. Res. 966 as passed by the House. With such passage, positive gains for education, although still not adequate, become an accomplished feat in terms of desperately-needed funding.

Such action speaks with greater integrity than the acceptance of past funding levels with a promise that things will get better sometime in the future.

Thus, some specific and crucial dollar amounts are inherent in S.J. Res. 163 as incorporated into the House passed H.J. Res. 966, as compared with the one under which the U.S. Office of Education has been operating since July 1, 1969 (P.L. 91-33). Overall, the House-passed H.J. Res. 966 would add approximately $1 billion for Federal education programs. More specifically, H.J. Res. 966 would add approximately $400 million for school assistance in Federally affected areas; $350 million for elementary and secondary education programs; $26.5 million for Libraries and community services; $200 million for vocational education; and make a number of other needed additions to the presently authorized spending levels for Office of Education programs.

In New Mexico, for example, H.J. Res. 966 as passed by the House, would add $1.2 million for Elementary and Secondary Education; $5.1 million for school assistance in federally affected areas; and $900 thousand for vocational education. We face a school crisis in New Mexico—as I am sure other States do—and this measure will greatly alleviate our finanical problems.

I must admit that I do not view with pleasure the necessity of making an issue of a continuing resolution. Such a procedure acts to undermine a tradition of non-controversiality which is normally a part of a continuing resolution. Nevertheless, I feel even more strongly that we must not, for the sake of tradition, hold up desperately-needed funds for our education programs. As one Senator has put it, the exigencies of time demand extraordinary action. I ask on behalf of a sound education system in this country for the support of all Senators.

[From the CONGRESSIONAL RECORD, Nov. 13, 1969]

Mr. MANSFIELD. Mr. President, I also wish to include in the RECORD a statement in praise of Senator MONTOYA which would have been delivered by the Senator from Washington (Mr. MAGNUSON). Senator MAGNUSON is likewise necessarily absent from the Chamber. I subscribe wholeheartedly to his remarks about the junior Senator from New Mexico, and ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD.

[From the CONGRESSIONAL RECORD, Nov. 13, 1969]

SENATOR JOSEPH M. MONTOYA'S LEADERSHIP IN BEHALF OF AMERICAN EDUCATION

Mr. MAGNUSON. Mr. President, it is one of the most useful, though informal, functions of Members of the United States Senate, to call attention from time to time to the accomplishments of those who distinguish themselves by helping to perpetuate the ideals of service on which the health of our free democratic society depends.

It is a special pleasure for me, therefore, as Chairman of the Labor-HEW Subcommittee of the Senate Appropriations Committee, to join with my colleagues on both sides of the aisle in paying tribute to our distinguished colleague, Senator Joseph M. Montoya, in connection with the vital role he has played in providing additional funds for education which will be of such benefit to the Nation's school districts.

Senator Montoya's leadership has never been more illuminating than the way in which he has responded to the call to speak up in behalf of America's educational objectives. Education has been one of the interests closest to his heart. In his judgment there is no more worthy objective than the full attainment of our educational goals. He feels that those of us with the awesome responsibility of helping prepare youth for their life roles as employed adults and citizens must assume that responsibility by making available tools which educators and school administrators can seize upon and use to enhance and improve our national education system.

As a result, Senator Montoya has championed and voted for every substantive improvement in educational opportunities for the American people since he came to Congress—from preschool projects to graduate education. And in securing passage of this—his most recent effort—he has been working behind the scenes, giving selflessly of his ideas and energies, so that this education resolution may be enacted.

Of course many other accomplishments by Senator Montoya could be cited here, and over his many years of public service he has demonstrated that he is a devoted and loyal son of, and willing to work hard for the best interest of, the State of New Mexico and this Nation.

Mr. President, Senator Montoya's contributions remain of the highest quality and utmost importance, and we cannot do less than warmly applaud his earnest and effective efforts.

Mr. MONTOYA. Mr. President, in my State of New Mexico, one of the most important Federal education programs is aid to impacted schools. Yet this program has borne the major brunt of the President's attack against this year's education budget. It would appear, from press accounts, that one of the principal reasons for the President's veto of appropriations for both the entire Department of Labor and the entire Department of Health, Education, and Welfare is the fact that one particular wealthy school district in Maryland is receiving impacted funds.

Many States, however, are not rich, and States such as my own—with many heavily impacted school districts—cannot tolerate the exorbitant cutbacks Mr. Nixon has proposed.

Congress originally passed impacted aid legislation in recognition of the need to compensate local school districts for additional burdens imposed on them by increased Federal activity in their area. The essence of this burden is precisely that of an added requirement to serve large numbers of children of Government employees and military families, many of whom do not contribute to local tax rolls.

Twenty-nine percent of the total Federal education funds allocated to New Mexico in fiscal year 1969 was in the form of impacted aid. Full Public Law 874 entitlements for New Mexico in 1970 amount to $12.5 million. Yet the President originally requested a total of only $6.1 million for this purpose, $4.3 million below the 1969 level.

The people of New Mexico are presently paying a greater percentage of their personal income for public education than the citizens of all other States but two. The loss of $4.3 million for impacted aid in New Mexico will be a serious economic blow to New Mexico's school districts, which are already heavily overburdened. Many of these districts have gone into debt. The New Mexico State Legislature has found it necessary to call on the residents to pay additional taxes for education.

Because of this critical need, in the last session of Congress I introduced a resolution, Senate Joint Resolution 148, to permit the Department of Health, Education, and Welfare to make allocations to local educational agencies under Public Law 874, school aid to federally impacted areas, based on full entitlements.

I ask unanimous consent to have my introduction statement of September 10, 1969, on this resolution inserted at this point in the RECORD.

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

SENATE JOINT RESOLUTION 148—INTRODUCTION OF A JOINT RESOLUTION PROVIDING SCHOOL AID TO FEDERALLY IMPACTED AREAS

Mr. MONTOYA. Mr. President, I introduce on behalf of myself and Senators ANDERSON, ALLEN, BENNETT, BIBLE, BURDICK, CANNON, CRANSTON, DODD, EAGLETON, FULBRIGHT, GURNEY, HARRIS, HART, MANSFIELD, MONDALE, MOSS, MURPHY, MUSKIE, SPARKMAN, SPONG, STEVENS, THURMOND, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of North Dakota, a joint resolution to authorize the Department of Health, Education, and Welfare (HEW) to begin making allocations to local educational agencies under the Public Law 874, school aid to federally impacted areas, based upon the full entitlement for that school district instead of upon the much reduced amount in the President's budget request.

As you know, Mr. President, until Congress completes action upon an appropriation measure for an executive agency, that agency can expend funds only at the rate authorized under a continuing resolution. The continuing resolution presently in effect authorizes HEW, among other agencies, to expend funds at last year's rate or the fiscal year 1970 budget request, whichever is the lesser. This procedure has undoubtedly caused much uncertainty and many difficulties in the past on the part of agencies which must function for several months not knowing the total amount of funds they will have to operate with. Inconvenient as this may be, however, we have yet to devise a more efficient approach.

This interim funding procedure, however, is creating havoc with most school budgets and particularly those school districts which have a heavy concentration of Federal activity. We are all familiar with the Public Law 81-874 program which authorizes payments based on a formula to school districts which are federally impacted and which are thus deprived of a tax base for funding their educational system. Congress has decreed time and time again—usually at appropriation time—that we have a responsibility to assist these school districts because the Federal Government is in effect depriving them of school taxes. And we have decreed time and time again that we should meet our responsibility fully by paying full entitlement and not merely lipservice as represented by the small amounts that are usually recommended by the executive branch.

This year, Mr. President, the schools with

heavy concentrations of Federal activity are feeling a heavy crunch, and unless this resolution is enacted promptly, there is no prospect of any immediate relief for them. We are faced with the prospect of not having final action on the appropriation measure for HEW until late this year. The Senate Appropriations Committee is not even contemplating resuming hearings on the HEW, appropriation bill until mid-October.

In the meantime, HEW is bound by the continuing resolution which only authorizes them to make payments under this program based on last year's appropriation of the President's fiscal year 1970 budget request, whichever is lower.

Unfortunately, the President's fiscal year 1970 budget request is substantially below either full entitlement for fiscal year 1970 or last year's appropriation. Figures supplied me by HEW show that appropriations for fiscal year 1969 were $505,900,000 and full entitlement for fiscal year 1970 totaled $650,-594,000, but yet the President's fiscal year 1970 budget request is only $187,000,000. Further, the President's recommended budget would provide for payments only for the so-called A category children and no payments at all for the B category children. The A category children, as you know, are those whose parents both live and work on Federal property. The B category children are those whose parents work but do not live on Federal property. Thus, school districts with B category children in them, would receive no funds under this program whatsoever for their B category children unless Congress acts to amend the President's budget request.

Fortunately, Mr. President, the Congress will probably act to amend the President's budget request. The House has already increased the President's budget request for Public Law 874 funds from $187 million to $585 million. This represents almost full entitlement for each school district for fiscal year 1970 for both A and B category children. I, and others in the Senate, have pledged to seek at least the same level of funding as has the House. I am confident that we will be successful.

However, until we do pass on the HEW appropriations, HEW can allocate funds under the Public Law 874 program, and all other education programs, based on the extremely small Presidential budget request. Thus, unless we move immediately to remedy this, many school districts throughout the country which are dependent on these funds are going to be thrown into a financial panic.

I have secured from HEW a listing of all the applications which they have already received for funding under this program. The listing of applications already received and for which little or no funding will be available unless this resolution is adopted, includes school districts from the west coast to the east coast to the Gulf of Mexico. This, then, is a national problem. Apparently no State is being spared.

Mr. President, unless this joint resolution is enacted promptly, the school districts that are being denied their funding under the Public Law 874 program will be faced with the decision of making drastic cuts either in personnel, in services, equipment, materials, or in other vital areas all with the resultant effect of a poor quality education. Congress has pledged itself to a quality education for all American children. Let us demonstrate that commitment by enacting this resolution and freeing the necessary funds under the Public Law 874 program immediately. We may well have to provide this same type of emergency relief for other education programs in the future if Congress does not soon enact the HEW appropriation bill. However, for the meantime, let us begin by seeking early release of funds for the Public Law 874 program based on the full amount which the school districts are entitled to for both "a" and "b" category children.

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

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

The joint resolution (S.J. Res. 148) to amend the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for payment to local educational agencies of full entitlements pursuant to the provisions of title I of Public Law 874, 81st Congress, introduced by Mr. MONTOYA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

S.J. RES. 148

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of the joint resolution entitled "Joint Resolution making appropriations for the fiscal year 1970, and for other purposes", approved June 30, 1969 (83 Stat. 38), is amended by inserting after "Elementary and Secondary Education Act of 1965, as amended" a colon and the following: "*Provided further,* That such amounts as may be necessary shall be available to pay local educational agencies full entitlements for the fiscal year 1970 pursuant to the provisions of title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress").

ADDITIONAL COSPONSOR OF JOINT RESOLUTION SENATE JOINT RESOLUTION 144

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. ANDERSON), I ask unanimous consent that, at the next printing of Senate Joint Resolution 144, to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor.

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

Mr. MONTOYA. Mr. President, I further ask unanimous consent to have inserted at this point in the RECORD the statement I made at the time the conference report on the Labor-HEW appropriations bill was considered on January 20, of this year.

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

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

Mr. MAGNUSON. It is a small amount in the bill, but for a pretty important objective—and I see the Senator from New Mexico is here—we added $15 million for bilingual education. There are several million youngsters to be served.

Mr. MONTOYA. 3 million youngsters.

Mr. MAGNUSON. 3 million youngsters in this country who need this special assistance, so that they can take full advantage of their schooling.

Mr. MONTOYA. That is right. Those youngsters are handicapped, because when they go to school they cannot speak the English language.

IS THE ADMINISTRATION USING LIVES TO BALANCE THE BUDGET?

Mr. President, President Nixon has announced his intention of vetoing the pending HEW-Labor-OEO Appropriations Act if Congress adopts it in the form approved by a conference committee. The President bases his opposition on increased inflation he claims would be caused by funds added by Congress to the amount he asked for.

Certainly we added $1.262 billion. Most of it, $919 million, was added to the Federal contribution for support of America's public schools. Moreover, I see no reason at all for cutting such an essential expenditure, and if the President, in his wisdom, does veto the measure, I shall vote to override that veto.

President Nixon's own Commissioner of Education, James E. Allen, Jr., recently expressed public dissatisfaction with education's place among the Nixon administration's domestic priorities. A 50-member urban education task force appointed last year by Secretary of Health, Education, and Welfare Finch has recently recommended a $5 to $7 billion annual increase in Federal funds for urban schools. Congress has sought to respond to an increasingly acute crisis through such added funds. Now the President responds to such an urgent situation by holding the sword of a veto over the head of our Nation's children. It is terribly sad to see such shortsightedness on the part of an administration.

Local school districts are now taxed to the absolute limit, as voter rejection of larger numbers of school bond issues shows. Federal spending for public schools dipped in 1969, according to the National Education Association. Yet such signals are ignored by the administration.

How can we pour $30 billion annually into Vietnam and cut our schools and health expenditures? How can we subsidize some already oversupported elements of America's business community, yet shortchange our children? How can we assume so many costs around the world while ignoring health and education needs?

In my own State of New Mexico, such a veto would immediately deprive our schools of $8.4 million in funds for education. Federally impacted areas would be struck a body blow, and such areas are many all over the west.

The cut in medical research and health funds is an equal tragedy, for such slashes hurt twice. Once in immediate losses, and again in terms of long-reaching effects that will be felt for years. Research teams are being broken up, as relatively modest Federal backing is cut or withdrawn. Medical research, medical school faculty salaries, and aid to medical students is being hamstrung. Laboratory animals will be sold or destroyed. Invaluable files and research results will be lost or disposed of. Close working relationships will be broken up. Demoralization is already setting in across the land in the ranks of researchers, faculties and students. Early reports are reaching us of the first such signs of this.

Every major educational, medical, hospital, dentistry and public health association in America has joined in begging the President to refrain from exercising his veto on this measure. A spokesman for the National School Boards Association has predicted that some schools will have to close their doors early or drop programs—which could force dropout-prone, less motivated students onto our streets, creating problems in every American city.

In health the picture is as gloomy, as leaders in this area have assured us we will be unable to train the 70,000 additional doctors the Nation requires. How can the administration use lives to balance the budget?

One example that immediately comes to mind is Government's failure to provide some $40 million to train workers in coronary care units in our hospitals. This could mean that 50,000 people might die in the next 12 months who need not perish.

The last time a President of the United States vetoed a major education measure of this type was in 1859, when President Buchanan did so. We all know President Nixon is a compassionate man with decent instincts. I fervently hope his compassionate feelings will override reasons he has given recently as grounds for threatened veto of this measure. If not, then America will have totally turned its order of priorities around in the past year.

Each of the three American scientists who recently participated in the winning of the Nobel Prize for Medicine have had their research funds cut by the Federal Government. Dr. Max Delbruck, of California Institute of Technology at Pasadena, has his funds cut 8 percent. Dr. Alfred D. Hershey, of the Carnegie Institution of Cold Spring, N.Y., had his funds cut 10 percent, Dr. Salvador E. Luria of MIT lost 9 percent of his money for research.

Mr. President, such facts speak for themselves. In addition to cutting aid to education, libraries, hospitals, Job Corps, OEO, conservation, antipollution moneys, and funds for acquisition of new national parks, the President now seeks to cripple basic areas of endeavor essential to national well-being for years to come. We must prevent him from doing so. Our duty as Senators is clear. We must override any Presidential veto.

Under the Bilingual Education Act, which the Senator from Texas and I sponsored here, we would be able to give, under this program, instruction to children before they started in the first grade, so they could be on a competitive level with their counterparts in the educational system. I think this is sorely needed. We have had some very good pilot programs, and this kind of instruction has proved itself out. HEW is for it, and the educators who have tried it are for it. In fact, other educators throughout the country are copying it.

I commend the Senator from Washington, because he was very sympathetic to this particular program, as well as to other educational programs. In fact, I do not think there is a valid, credible, logical argument for saying that this expenditure for education in inflationary, that it feeds the fires of inflation. I do not think so. I think that uppermost in our minds should be whether or not we are going to establish education as one of the top priorities in this country, and I think that we have ample room here to justify this additional expenditure, in view of the fact that we cut expenditures in the defense budget, we cut foreign aid, and we cut other programs that do not relate to our domestic priorities. That is what the Senator from Washington and his subcommittee were doing, and that is what we were aware of when the full Appropriations Committee acted upon this bill.

I think that Congress itself has reacted similarly in giving an overwhelming vote to this appropriation. I commend the Senator from Washington.

Mr. MAGNUSON. May I, right at that point, state for the RECORD that the vote on final passage on this bill in the Senate was 88 to 4.

Mr. MONTOYA. That is right. I am hopeful that the President will realize that education should have a top priority in this country, and that this expenditure is in proper order, because the representatives of the people—those in the House of Representatives and we here in the Senate—have spoken for and on behalf of the people and the educators of this country, who sorely need this Federal funding to upgrade the school systems.

We need this type of money. We need to imbue our local systems with Federal moneys, because school bond issues have been going down the drain. The taxpayers at the local level are overburdened with taxation to support their school systems, and it is up to us to establish this as a top priority, and to give it due consideration, as we are giving it in this bill, and I commend the Senator from Washington because he was the great leader in this movement to put education in the forefront.

Without a good, healthy educational system, America will retrogress, and many of our individuals, many of our children, will be dropouts, and they will continue in that cycle of adversity—of economic adversity, if you please—unless we do something for them.

Mr. MAGNUSON. I thank the Senator for that contribution. I wish to make it clear again that I gather this, though I have no direct word from the administration, that the main objection is we are above—and when they say "above," I do not know; above what? Above a budget estimate originally sent up, and then a dozen or more amendments afterwards, changing their minds clear up until November?

It is a little like when I was handling the truth-in-packaging bill. We said that they should stop the practice, in retail stores, of permitting the marketing of goods "10 cents off," when one could ask the question, "Off from what,"

It is the same way with this matter. Off the budget, yes. We were not off from the budget at all. If you include the $1.226 billion that they asked for forward financing on title I of ESEA, which I agreed to. As a matter of fact, the total budget request for HEW—and I hope these figures will be stated completely in the RECORD; I wish I could capitalize them—was $19,834,125,700 for all these functions; and the total appropriation in this bill, the current total, is $19,747,-153,200, or $86,972,500 under the request of the administration.

But we shifted the priorities. What did this shift include? We took money from one thing and we put it in the Hill-Burton program—$104 million more than the budget. In the NIH training grants and research we put $56 million, but I understand they are not objecting to that, and I hope that is true. We did more for health manpower, we added $16,449,000.

The next big item was $312 million for elementary and secondary education, which includes the bilingual libraries, guidance, supplementary centers, title I and many other matters. Impacted aid, $398 million and higher education, direct student loans, $67,100,000.

The last one is vocational education. That is $209 million.

Those items are approximately 85 to 90 percent of what we are talking about. If there is any need in this country in the whole spectrum of education, it is for vocational education, and not one person who testified before our committee suggested that we cut back on vocational education. That is what this is all about.

We understand that there is not too much argument about the rest of it. At least, I hear this.

It is a very strange thing that is happening to the impacted areas program, for which the Senate voted 73 to 9. That is a strange political switch. The Senate voted 73 to 9 to increase aid to impacted areas, and then the suggestion is made that we turn around and say we did not mean it. The committee thought the Senate meant it, and when we went to conference, we came out with the House figure. That is a substantial increase over the President's budget.

The vote in the House on this bill, which is substantially the same as the Senate—was 293 to 120. The teller vote on the amendment I mentioned was 242 to 106, and the vote in the House on the conference report December 22 was 261 to 110.

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

Mr. MAGNUSON. I yield.

Mr. MONTOYA. As the Senator well remembers, I introduced the amended continuing resolution in the Senate.

Mr. MAGNUSON. The Senator is correct.

Mr. MONTOYA. And 47 Senators joined in cosponsorship of that joint resolution with me, indicating to me that there is an overwhelming sentiment in this body for the additional funding for educational purposes such as are provided in this bill.

Mr. MAGNUSON. The continuing resolution in many cases provided much more than the President's budget.

Mr. MONTOYA. The amended continuing resolution provided the type of funding that is now in this bill.

Mr. MONTOYA. Finally, Mr. President, during consideration of the education funds for fiscal year 1970 before the Labor-HEW Subcommittee on the Senate Appropriations Committee, I presented a comprehensive statement on December 1, 1969, setting forth my views on education and funding needs for New Mexico. I ask unanimous consent to have inserted the text of this statement in the RECORD. I have deleted most of the supporting charts since updated figures have been inserted above.

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

EDUCATION—THE ESSENCE OF A FREE DEMOCRATIC SOCIETY

Mr. Chairman: This year, I have received from my constituents in New Mexico a great number of letters and telegrams expressing deep concern over the possibility that our crucial and vital educational programs may be crippled by inadequate appropriations. In response to these expressions of alarm, I have assured my constituents that I regard the full funding of our education programs as among the most urgent measures coming before the United States Congress, and further, that I intend to give it the utmost priority.

So great is the fundamental duty and moral obligation of this nation to universal education, that education as a concern of Congress transcends mere priority. Indeed, the very essence of a free, democratic society is based upon its promotion of education. In the esteemed words of Thomas Jefferson:

"I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Mr. Chairman, our schools are the vehicles through which we achieve the general enlightenment of the citizenry. The greatest internal threat to our democratic society is to allow anything which would undermine or limit the educational potential of the people. I share the fears of my constituents in believing that worthy and necessary education programs will be severely limited by inadequate appropriations.

Our commitment as a nation to quality education is not just a matter of historical precedent. As our society grows more and more complex, the demands on education and the need for an enlightened citizenry increase. One of the marks of our times is the zealousness with which we are pursuing our commitment to the solution of pressing social problems. The thing which we must remember is that our pursuit of social jus-

tice is rendered meaningless without a parallel commitment to the improvement of education. In fact, the two are inextricably bound. This is not simply a matter of equating social justice with intelligence, and the conditions of social malaise with ignorance. In a more immediate sense we will need a large number of highly-motivated, well-trained young people to conceive of and implement solutions to social problems facing our society. We must show ever greater concern for the future of these young people and the ultimate progress of what is to be their country by providing them with upgraded basic, vocational, and higher education.

The surest way to preserve the prosperity and vitality of our nation is to extend the availability of education and constantly improve its quality. The more education and enlightenment our citizens receive, the more likely they are to be equal to any emergency, to be patient with complex problems and the fallibility of fellow men, to be above the influences of anxiety, superstition, and prejudice, and to be on guard against neglecting their own welfare, that of their families, and that of their country. As many of our most distinguished economists point out, better education is clearly the most effective and efficient means for overcoming poverty, lack of opportunity, and hard-core unemployment. Increasingly we are coming to recognize the fact that better education is the key to reducing the current nine billion dollars spent annually on welfare programs.

Mr. Chairman, it is inconceivable to me that, particularly in this era of explosive social unrest, the Nixon Administration is prepared to cripple, rather than assist, our Nation's educational system. Congress, in its wisdom and as an expression of the will of the people, has authorized approximately $8.9 billion for educational programs in FY '70. The Nixon Administration would like to cut this by approximately 64% recommending appropriations of only $3.2 billion. In effect, the Nixon Administration is suggesting a budget decrease substantially below the "bare bones" budget requested by President Johnson for FY '69. What will happen to the millions of children affected by this regression on the part of the Nixon Administration?

Pressure from the Nixon Administration to cut education appropriations drastically is evidence of a depressing disparity between campaign promises and actual performance. I refer specifically to a letter issued by Mr. Nixon on October 1, 1968. With your permission, Mr. Chairman, allow me to read a portion of that letter. It begins:

"As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated:

"American opportunity begins in the classrooms of this nation for young and old alike;

"When we talk about cutting the expense of government—either Federal, State, or local—the one area we can't short-change is education;

"Education is the one area in which we must keep doing everything that is necessary to help achieve the American Dream;

"We call upon every citizen to join with us in an action program for education."

I have called this letter to your attention, Mr. Chairman, not because I wish to embarrass or denigrate our President, but rather, as an indication of the recognized obligation to fulfill an overridingly important duty to the American people. I submit for the record the full text of the letter, which was reproduced by the National Committee of Teachers for Nixon-Agnew as part of the campaign platform presentation to the voters by Candidate Nixon.

Mr. Chairman, it is unconscionable for us not to support our federal education programs with adequate and full funding when there is a shortage of some two million teachers in the United States, when there are at least four million classrooms which should be built, when a majority of our schools and colleges lack adequate books and library resources, and most importantly when so many millions of our youth are lacking opportunities for the full development of their potential.

Small wonder it is that I do not stand alone in my plea for full funding of education programs. Our distinguished colleagues in the Senate, Senators Yarborough, Harris, Muskie, Moss, and Javits, among others, have recently spoken eloquently of their dismay over the proposed Administration budget cuts in funds for education and the pressing need for adequate fiscal support for all Federally-supported education programs. Furthermore, groups that represent education interests throughout the country—such as the National Citizens Committee to Save Education and Library Funds and the Emergency Committee for Full Funding of Education Programs—have joined together to focus upon and publicize the threat to education posed by the Administration's proposed budget cuts.

It is time for us all to examine the value system which permits vast military expenditures and meager education funding. The nation is spending billions upon billions for defense systems, some of which are of really questionable utility. I believe that it is most crucial for us to scrutinize our military budget for non-essential expenditures. Cuts in spending for unwarranted and wasteful military projects will bring many billions of dollars into our national treasury. In turn, these funds should be invested in the education of the future leaders and citizens of this country. And with our current three billion dollar budget surplus, we can afford to do more.

We cannot and should not make a lesser commitment to our children than that which went into the recent lunar landing feat. Yet, here we are not asking for the moon; we ask merely that all education programs be funded at their authorized levels. Indeed, if these programs were funded at authorization level, we would still be spending only 2.5 per cent of the total federal budget and ½ percent of our Gross National Product. I don't believe that this is too large an investment to make in the future of our nation. Let us not forget that many thousands of the engineers and technicians who made that lunar feat possible are the products of our American Education System, and that if we want, 20 years from now, to witness a comparable feat, we are well advised to provide the financing necessary now.

I doubt that there is a single member of this Committee who is not pleased by the action of the House of Representatives in voting to restore and increase funds for many of our Federal education programs. H.R. 13111 has added about one billion dollars for education assistance, including $978.547 million for nine major educational assistance programs for our schools, colleges, and libraries.

Text of letter reproduced by the National Committee of Teachers for Nixon-Agnew:

RICHARD M. NIXON,
Washington, D.C., October 1, 1968.

To My Fellow Americans:

As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated:

American opportunity begins in the classrooms of this nation for young and old alike;

When we talk about cutting the expense of government—either federal, state, or local—the one area we can't short-change is education;

Education is the area in which we must keep doing everything that is necessary to help achieve the American Dream;

We will call upon every citizen to joint with us in an Action Program for Education.

In the final weeks ahead, the campaign will be an exciting adventure. I ask you to participate in that adventure by volunteering to help me and Governor Agnew. People who are committed to our goals of a better America can reach out to their friends and neighbors and enlist them in our campaign.

Only through people-to-people contact can we hope to restore decency and stability to out national life and create a better society for all. Your influence in our behalf is our most powerful campaign tool.

Will you volunteer to help? Write me in Washington.

Sincerely yours,

RICHARD M. NIXON.

I strongly commend the House for its action and wholeheartedly and enthusiastically endorse all of the increases which it voted. But I am not satisfied that we have done enough in some areas. In fact, in a few areas, the House has taken a step backward from last year's funding level.

Mr. Chairman, I do not wish to belabor this Committee with too long and detailed an account of the need for funds in *all* areas of education. However, I should like to at least review the impact of the Administration's major proposed cuts both nationwide and in my own State of New Mexico. In addition, I should like to point out the need for increased funding in a number of long-neglected areas such as bilingual education. P.L. 874 and P.L. 815 impact aid, library assistance, educational broadcasting and vocational education. I also wish to touch upon the absolute necessity for the forward funding of our education programs.

SECTION I. ELEMENTARY AND SECONDARY EDUCATION (INCLUDING AID TO FEDERALLY IMPACTED AREAS)

All of us recognize, Mr. Chairman, that the purpose of the Elementary and Secondary Education Act is to help educationally deprived students, including the schools in districts serving these students. Perhaps this, more than any other single piece of education legislation, is the most important. It is precisely during the early processes of education that we must make the greatest effort in order to motivate and equip our youngsters with the basic skills which are so essential in preparing them to enter vocational training, employment, or higher education. Without these skills and motivation it is nearly impossible for a citizen to fulfill his role in our society.

Funds for operating our Elementary and Secondary Education Act programs have never been adequate to meet the needs of those to be served. In spite of this, the Administration's budget requests are $110.5 million below the Johnson budget for FY 1970, and $2.2 billion below the level of expenditures authorized by Congress.

I am gratified therefore, that the House has underscored the importance of early childhood development by voting increases, not only in each area cut by the Administration, but also in other areas of elementary and secondary education. I fully support their action. I should like to comment upon and emphasize the need for the additional funds voted by the House. Further, I should like to discuss other areas which I consider of major importance, but which the House has not acted upon.

A. *Assistance for educationally deprived children (ESEA, I)*, I believe, Mr. Chairman, that we would also be pennywise and pound foolish if we did not increase funds for ESEA Title I programs for over 9 million educationally deprived children in this country, since any curtailment in these services will result in the need for more services in future years if the educational deficiencies of these children are to be overcome.

Based on known needs, it has been recommended by the Emergency Committee for Full Funding of Education Programs, among others, that at least $1.5 billion be authorized

for ESEA Title I during FY 1970 and $1.75 billion for FY 1971. In FY 1969, over $1.1 billion were appropriated for the program, and for FY 1970 the Administration budget has proposed that $1.2 billion be allocated. The House would raise this amount to nearly $1.4 billion for FY 1970.

Mr. Chairman, it has been estimated that 50% of a child's learning capacity is set by the age of 4 and 80% by the age of 8. Neglect at these ages has led to failure in later schooling, and approximately one-fifth of the Nation's children do not attain literacy levels required for available employment. Moreover, an estimated 18 million Americans 18 years and over have less than an 8th grade education, 7 million have less than a fifth-grade education, and 57 million have less than a high school education. And more than 800,000 students annually drop out of high school before graduation.

These children—the failures of our educational systems—are disproportionately concentrated among the urban and rural poor. And they are costly to society since they reappear in our spiralling crime statistics, our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Mr. Chairman, the impact of the Title I program in my own State of New Mexico has been great indeed. It has provided opportunities for thousands of deprived school children from severely disadvantaged environments to receive instructional and service benefits which would previously have been impossible for the school system to offer.

During New Mexico's regular school term, 50,002 children out of an eligible 50,228 participated in the 1968–69 projects, including 47,700 public and 4,302 private school children. Of these, 1,807 are in kindergarten; 32,544 are in grades 1–6; and 17,651 are in grades 7–12. Additionally, 696 children residing in private institutions for neglected children are participating in Title I activities, as are 1,055 dropouts and 709 handicapped children. Increased funding of this program will not only enable the schools to continue meeting these needs, but will also help provide educational and training programs for those not presently able to participate because of funding restrictions.

Recognizing that this is one of the major purposes of Title I, and because of the clear and compelling need for equalization—for Federal sharing of educating poor and disadvantaged children concentrated in poor school districts caught in a desperate financial squeeze, as is the case in my State of New Mexico—I strongly endorse increasing funds for this crucial program to the recommended level of $1.5 billion for FY 1970 and $1.75 billion for FY 1971.

In this connection, Mr. Chairman, it is important to note that a report was issued recently by the Washington Research Project and the NAACP Legal Defense Fund documenting a number of both proven and suspected abuses that have come to light concerning the manner in which federal, state and local government and/or school officials are using Title I funds. I have obtained a copy of the Report, and it is my understanding that it is based upon audits which the U.S. Department of HEW has conducted in 24 states, as well as field work which the Washington Research Project conducted in 9 states in Southern areas of the Nation.

I believe each of us in Congress should study the Report as well as HEW's audit reviews in detail, and offer legislation designed to correct the kinds of abuses reported in those documents which result in the intended beneficiaries being denied the benefits to which they are entitled under the Act.

Meanwhile, under no circumstances should we cut back on essential Title I monies, since it is the correction of these distressing abuses that is at stake here rather than a question of holding back funds required for meeting the special needs of educationally deprived children.

B. *P.L. 81–874 impacted area aid (operations and maintenance).*

In 1951, The Congress in its wisdom passed P.L. 81–874 in recognition of the necessity to compensate local school districts for the additional burden imposed upon them by increased Federal activity in their areas. The essence of this hardship, which is as valid today as the day it was enacted 18 years ago, is precisely that of an added and often staggering requirement to educate the children of large numbers of government employees and military families. Many of these people are assigned to an area for a short duration and do not contribute to the tax rolls. Furthermore, most military bases also provide post exchanges for their personnel, and this too cuts into local income because of exemption from local and state sales taxes. Moreover, there exists no authority for local communities to levy taxes on the government facilities themselves. A school District can be and is supported by taxes paid by corporations. Therefore, it is only fair that the Federal Establishment support in a similar fashion the public educational systems of its installations.

Finally, and this is an area of special concern for me, Impacted Areas Aid covers those students who live on Indian Reservations but attend the public schools.

In spite of the intent of Congress, the Nixon Administration has cut the funding of P.L. 81–874 from the F.Y. 1969 appropriation level of $505.9 million to the absurdly low level of the $187 million. This represents a cut of nearly $319 million. The House of Representatives has seen the folly of the Administration budget cut, and has, in H.R. 13111, restored and raised appropriations for P.L. 81–874 to $585 million. As commendable as this increase is, it still falls short of the F.Y. '70 authorization of $650.6 million, which is based upon 100% entitlement.

If we allow the Nixon budget cut to stand, in serious doubt is the fate of school districts with a heavy concentration of children who fall under the 3(b) provision of P.L. 81–874, those whose parents work but do not live on Federal property. The Administration has decided not to allocate one penny of the "b" children's $436.5 million entitlement for F.Y. '70.

Mr. Chairman, in relatively wealthy states this may not present such an overwhelming blow, but in states such as my own, with many heavily impacted school districts and slender tax bases, it represents an intolerable burden.

Of 60,193 impacted area students in New Mexico, 40,022 are in the "b" category. To cut off funds for these children will mean a loss of $6.4 million in desperately-needed dollars to poor school districts in New Mexico that have relied upon and received these funds since enactment of this legislation.

I fail, Mr. Chairman, to understand the rationale or purpose behind slashing funds for P.L. 81–874 Federal assistance since it is the Federal government itself which has placed the heavy financial burden upon the affected school districts. We have been told that cuts are being made in the budget in order to curb inflation. If this indeed is the reason, I suggest, Mr. Chairman, that the Administration provide us with data and explication on how P.L. 81–874 provision 3 (b) funding specifically contributes to inflation and further why provision 3(b) is more inflationary than provision 3(a).

Even aside from the question of inflation, the House and the Senate have in the past affirmed a policy of fully funding 3(b) entitlements under P.L. 81–874. This congressional mandate must not be ignored since it involves the Federal government's very basic obligation to these school districts and its duty to keep faith with millions of children and their right to a quality, not a second-rate, education.

As a long-time supporter of P.L. 81–874 funding for our poorer school districts, I cannot overemphasize how essential it is for Congress to provide full 100 percent entitlement (or $650.6 million nationwide) for both "a" and "b" category students. Under no circumstances should either program be summarily cut off.

C. *P.L. 81–815, impacted area aid (construction).* The Administration has requested $15.167 million under the P.L. 81–815 program for school construction in federally impacted areas. Although $79.347 million has been authorized, the House has taken no action to increase the appropriation here above the level requested by the Administration.

Mr. Chairman, I most strenously urge that we increase funds for the P.L. 81–815 program. As my constituents in New Mexico will attest, many children in Federally impacted areas in New Mexico attend classes in buildings which have been condemned as firetraps and are overcrowded and substandard. I am sure that this situation is multiplied manyfold nationwide.

And that nationwide P.L. 815 funding picture is essentially as follows:

Estimated approved unfunded applications

Fiscal year 1967	$14,127,983
Fiscal year 1968	35,586,642
Fiscal year 1969	106,751,880
Fiscal year 1970	80,000,000
Total	226,446,505

Mr. Chairman, all funds appropriated over the past years for P.L. 815 impacted school construction have been used up by the U.S. Office of Education. Yet there still remain over $226 million in approved applications which are still unfunded.

As in the case of P.L. 81–874, we in Congress intended that poor districts which carry more than their fair share of added complications arising through no fault of their own should receive the sustenance they so vitally need. We cannot, in all conscience, afford to block long-range planning and construction for better educational services in these areas of greatest need. I submit that everything we have learned over the years spells out the need for putting teeth into the legislation which we enacted to remedy the unbelievable situation that prevails in our impacted poor school districts.

Mr. Chairman, as you know, we do not have a dollar authorization on P.L. 815; it is an entitlement. Once those applications are approved, the school districts are entitled to the money. Since I am sure that no one here would want to jeopardize the future of children who are being affected, I strongly recommend that P.L. 81–815 appropriations be increased from the requested $15.167 million to at least $226.5 million. This amount represents a realistic appraisal of fiscal year 1970 entitlements, with allowances for meeting the unpaid applications of the past three years.

D. *Bilingual education (ESEA, title VII).* ESEA, Title VII, is still another program which warrants an increase in funding. Although Congress authorized $40 million for bilingual education for FY 1970, the Administration has requested only $10 million, and the House has not increased that amount.

As you know, Mr. Chairman, being a cosponsor of the bilingual legislation which was incorporated into the 1967 ESEA Amendments, I have been increasingly concerned over the severely inhibiting forces that blunt the intellectual development and distort the self-concepts of Spanish-speaking, Indian, and other non-English speaking children in the United States. Many of those attending schools in New Mexico drop out of school because the language barrier becomes insurmountable for them. Their language and

writing problems are at the root of their eventual economic, social, and political problems.

Today, there are about three million children in the United States whose mother tongue is not English. Nearly two million are Spanish-speaking children between the ages of three and thirteen, from the large concentrations of Spanish-speaking populations to be found in California, Texas, Arizona, Colorado, New Mexico, and large cities such as New York, Chicago, and Miami. Thus, Bilingual Education is an area of concern throughout the Nation—in the cities as well as in rural areas.

Since many of these non-English speaking youngsters suffer from poverty, cultural isolation, and language rejection, they are subject to virtual destruction as contributing members of society. Further, the communications gap, combined with misunderstanding, soon destroys the educational aspirations which parents have for their children, or children have for themselves.

Mr. Chairman, the poignancy of such a child's situation is overwhelmingly tragic. Through no fault of his own, he must struggle in the classroom to learn math, history, and science in a language he barely understands and from a teacher who does not speak his mother tongue.

Small wonder that failing grades, frustration, and a sense of inferiority and worthlessness cause them to drop out of school. Many Spanish-surnamed youngsters, for example, average only 7.1 years of education, compared with nine years for Negroes and 12.1 years for Anglo-Americans. The non-English speaking child is too often destined to a lifetime of functional illiteracy, unemployment, and minimal or inadequate income.

For other monolingual children, however, it is not too late. We in Congress can help provide them with an opportunity to fully pursue knowledge to the best of their ability in their mother tongue and with what little English they might know. In this way, they can feel secure in a situation which will allow them to maintain their full identity and emotional integrity, and to experience interaction and integration with their peers with a minimum of academic and cultural shock.

If we are to do so, however, we must act now before it is too late for them. We must increase this token amount of $10 million to the originally authorized $40 million. Certainly the $369,059 share that would be allocated to my State of New Mexico for bilingual education purposes under a $10 million appropriation will not do the job adequately.

Mr. Chairman, by funding this program at the $40 million level, we will be assisting at least 300,000 of these 3 million disadvantaged youth, and thereby will add to the strength and greatness of our country. Experimentation with bilingual education has already proved dramatically successful. Additionally, this area of special education—which is a most important means of finding answers to the Southwest's most persistent educational problems, the high rate of failure and dropouts among millions of children with limited English-speaking ability—might well make use of an exciting new approach to basic skill development which has recently received a great deal of national attention. I refer specifically to the *dropout* prevention program in Texarkana, U.S.A. The local school systems there have contracted with a private firm to teach basic math and reading to educationally deprived youngsters. The firm will get paid according to the actual achievement of the student. Such innovative approaches as performance contracting, combined with new techniques in bilingual education, lead one to believe that our society can ill afford to invest any less than the full authorization in such a potentially productive and exciting program.

Mr. Chairman, in the past two years during which this new bilingual program has been authorized, it has been the "orphan child"—the forgotten program. For FY 1968, Congress authorized $15 million to get the program underway, but we appropriated nothing. For FY 1969, we authorized $30 million, and appropriated but $7.5 million. Thus, although $45 million had been authorized for FY's 1968 and 1969, Congress has thus far appropriated a total of only $7.5 million. This is intolerable and should be corrected.

Again, I restate my request because I consider it of such importance. We must appropriate the full $40 million authorized for FY 1970 or lose the trust of 3 million disadvantaged children and their parents, as well as those educators who are looking to this program as an answer to the many perplexing problems involved in teaching the language handicapped.

SECTION II. HIGHER EDUCATION (INCLUDING STUDENT AID PROGRAMS AND TEACHER TRAINING)

Mr. Chairman, College administrators throughout my State have repeatedly advised me on how they have been able to use to enormous advantage funds under the Higher Education Act, the Higher Education Facilities Act, and various student aid programs, in order to maximize offerings to students. They are, however, most apprehensive about the fact that under the Nixon Administration budget they will not be able to fill a great many of these needs.

A. *Strengthening developing institutions (HEA III) and improvement of graduate facilities (HEA V).*

The Nixon Administration's proposal to reduce funds by $5 million for Title III programs, and to totally eliminate funds for Title X will defer urgently needed higher education developmental programs, including faculty development, student personnel programs, electronic data processing, intercampus transportation, etc. The Johnson budget would have allowed $35 million for Title III and $750,000 for Title X. The Congress has authorized for FY 1970, $70 million and $5 million, respectively, for both of these programs.

Mr. Chairman, many of our school systems today are faced with a funding squeeze at every turn. The taxpayers' load is already too heavy, and they are being swamped by the tidal wave of inflation. Hence they cannot be expected to meet even their basic obligations if federal funds are cut off. Because of rising costs of education, including higher staff and faculty salaries, higher enrollments, etc., they are left with little or nothing to enrich the quality and impact of their educational programs.

Colleges and universities will continue to need these funds because the programs involved are of high priority. But they have little hope of receiving the money unless we restore funds to at least the level recommended under the Johnson budget.

B. *Higher Education Facilities Act—Construction of graduate facilities (title I) and construction of undergraduate facilities (title II).*

Mr. Chairman, these graduate and undergraduate facilities construction programs for which President Johnson requested $20 million and $87 million, respectively, and for which Congress authorized $120 million and $711.4 million for FY 1970. The Nixon Administration is prepared to phase out both programs completely, whereas the House would provide $33 million for Title II undergraduate facilities construction.

The Nixon Administration has suggested that colleges and universities should be encouraged to finance construction from non-Federal sources. However, they overlook the fact that two-thirds of the construction projects would be so financed any way, and that tax reform proposals on charitable giving may make it more difficult to attract private funds for college construction. Moreover, in many states, most institutions of higher learning cannot use any more bonded indebtedness, nor can they borrow money at the current commercial market rate of interest.

Mr. Chairman, in poorer states such as New Mexico, where, despite a slender tax base, a concerted effort is being made by educators to develop an adequate higher educational system, these cuts come at an extremely crucial time. The State has provided for a series of state bond issues from 1967 through 1975, using all of the state's general obligation bonding capacity, to provide higher education facilities needed for expanding enrollments. Careful studies of existing facilities, enrollment projections, utilization, etc., indicate that, with federal funding of Titles I and II at levels near those authorized by Congress, the building needs of New Mexico higher education could be met by this combined federal and state funding.

But if there is no funding for four-year and graduate institutions under Titles I and II, as the Nixon Administration's budget proposes, prospects for meeting our building needs over the next 7 or 8 years are very dim. And without these construction programs, crowded conditions will become even worse than they are now. If we do not act to increase these appropriations, valuable years of planning will have gone down the drain.

Nationwide, the effect of retrenchment will be multiplied many times over in terms of the ability of our colleges and universities to meet the needs of their students. This can be seen quite readily by examining the need for facilities as expressed in institutional requests. During FY 1969, 40 states requested $794.5 million for Title I graduate facilities alone, and many institutions declined to file because they could not meet the necessary matching requirements.

I most strongly urge expansion of funds for higher education facilities construction to at least twice the level requested by President Johnson—$174 million for undergraduate and $86 million for graduate facilities—since both serve very essential functions and are in need of expansion to accommodate their increasing enrollment of differing constituencies. While funding of these programs at the $174 million and $86 million level is still far below the levels authorized by Congress, nevertheless it would make a very great difference to my own State of New Mexico in trying to meet its building needs.

C. *Student aid programs.*

Mr. Chairman, an unmistakable fact about our student aid programs is that the need continues to grow. Should funding of federal student aid programs decline or fail to keep pace with growing enrollments and accelerating costs, either we will be forced to serve only those whose high incomes make them able to pay high tuition, or else we will be forced to give up the search for excellence in education in favor of more modest, less effective, but less expensive educational programs.

These alternatives are unacceptable and not in the best interests of a society such as ours. That is why I, along with many other members of Congress, expressed alarm over diminished appropriations for a number of student assistance programs which would have short-changed our youth had it not been for Senate Emergency action in securing enactment of P.L. 91-455, the Emergency Insured Loan Act of 1969. I fully and vigorously support appropriating the full amounts authorized for each of the programs in the Act, for the reasons that follow.

(1) *College work-study and cooperative education programs (HEA IV-D)*

(a) *College work-study.*—The Administration budget proposed that $154 million be budgeted for the College Work-Study Program in FY 1970, as compared with $139.9

million spent in FY 1967. The House bill also authorized the $154 million amount.

While this may on surface appear to be a substantial increase, it must be remembered that wages paid to students through this program increase each year in line with prevailing wage rates, and also that the number of institutions which qualify to participate in the program has increased 20 percent. Nationally, 20,000 fewer students would be able to receive funds through the program in FY 1970. Additionally, there is the requirement included in H.R. 13111 now before us that cooperative education is to be allocated 1% of the total amount appropriated for Work-Study Programs.

(b) *Cooperative education.*—In the higher education appropriation now before the Senate cooperative education is allocated 1% of the total amount appropriated for Work-Study Programs. I strongly urge that it would be much better and sounder public policy for cooperative education to have an appropriation that is for a specific amount rather than a percentage of the Work-Study appropriation.

For reasons that will be briefly set forth, the appropriation for fiscal year 1970 for cooperative education should be $8,750,000 and for fiscal 1971 it should be $10,750,000.

An appropriation in a specific amount rather than as a percentage of money appropriated for work-study is vitally necessary to plan effectively and execute efficiently the expansion cooperative education curricula in colleges, universities and community colleges.

A statutory linkage between what is generally known as "work-study" and cooperative education will perpetuate a confusion as to the real meaning of cooperative education. Work-study in H.R. 13111 is a form of direct financial student-aid for part-time work that is highly desirable and that has made it possible for many low-income students to secure higher education. Cooperative education, on the other hand, is a basic strengthening of higher education through which students learn through working in educationally related full-time jobs which have been secured for them by their colleges and universities. During their work periods, students are paid full wages and earn enough, while learning through work, to meet the major costs of tuition and living expense. Students economically disadvantaged are thus able to go forward in higher education, but this is not the only importance of this invention in the educational process. Perhaps more important is that cooperative education creates a weld between classroom theory and work reality. A university student who alternates between on-campus study and off-campus work learns to cope with and improve upon his society. One reason educators are increasingly enthusiastic about cooperative education is that they see in it a method that will ease student unrest by providing a relevance between education and the practical affairs of life.

There are now 141 colleges, universities and community colleges with cooperative education programs serving over 80,000 students. Students in these programs in 1969, will have earned over $160,000,000 in the work phases of these programs, and it is significant that no portion of these earnings will have been met by government subvention. These earnings represent real purchasing power, and to some extent taxable income, and are substantially different in their economic meaning from money distributed under the federal work-study student financial assistance programs.

Cooperative education is now so widely approved by educators that the U.S. Office of Education, Bureau of Higher Education, has in recent months received requests from over 700 colleges, universities and community colleges to be sent guidelines and application forms for grants to establish cooperative education programs. The requests relate to a very broad spectrum of academic training in engineering, science, health sciences, business, liberal arts, public administration, architecture, agricultural sciences, education, community planning, and a wide range of technical-vocational studies.

To start a cooperative education program, a school in higher education requires an initial annual investment of between $40,000 to $75,000, depending upon the size of the school. This support must be available for periods up to five years to allow a successful transformation of the school's study courses and for the training of professional faculty staffs to direct the cooperative education programs, including arrangements for job assignments. After the change-over to cooperative education is successfully accomplished, the program becomes totally independent of further federal grants-in-aid. Furthermore, it must be noted that the starting-up grants are not a form of financial aid to students, but rather the beginning of a process in which the students, too, become independent of federal aid.

An appropriation of $8,750,000 for cooperative education for fiscal year 1970 will serve to assist only a portion of the over 700 institutions of higher education that have asked for grants. It is estimated that with this amount of money between 125 and 250 schools can successfully adopt cooperative education. Once under way, the programs in these schools within five years will have enrolled between 200,000 and 250,000 students. Some measure of the economic significance of these statistics is that in their alternate work periods these students will earn, at 1969 levels, between $400,000,000 and $500,000,000 in annual wages. It is evident that this substantial condition of self-reliance is totally different from student financial aid contemplated in H.R. 13111.

My own personal knowledge of cooperative education is based on my studies of the subject and my experience as chairman of the first state-wide conference on cooperative education in New Mexico in 1966, which was the beginning of a subsequent series of statewide conferences.

My distinguished colleague, Senator George Murphy, was Chairman of the most recent of these conferences held in Los Angeles, and I am especially gratified that he joins me in bi-partisan support of expanding cooperative education.

(2) *Educational opportunity grants (HEA IV–A).* This program was initiated under the Higher Education Act of 1965 and is designed to make the benefits of a higher education available to extremely disadvantaged students. Our colleges and universities have mounted an aggressive recruiting program among disadvantaged students and have thus far turned up approximately 200,000 applicants who have been approved by review panels examining the applications of colleges applying for funds for the program.

The House saw fit to reduce the $175.6 million (FY 1970) requested by both Presidents Johnson and Nixon to $159.6 million. Since most of the money ($110 million estimated) for the program would be absorbed by renewal grants for students already in the program, and because of the forward funding authorized for first-year grants in this program, the effect of this year's budget request would be to decrease by 40,300 (F.Y. 1970) the number of students receiving first-year grants.

The Nixon budget would mean that in my State of New Mexico, only about 53 percent of over-all needs will be met.

I would, therefore, like to see funds for initial-year grants alone under the EOG program increased to at least the level voted by the Congress under P.L. 91–95 for the next two fiscal years, thereby making $125 million available for FY 1970 and $170 million for FY 1971.

As you know, the law reads that in addition to awards for initial year grants, there shall be made available "such sums as may be necessary" for renewal of grants made in previous years, and it is estimated that $110 million would be needed for such awards during FY 1970. Hence, there would be available a grand total of at least $235 million for FY 1970 (110 million (est.) for renewal-type grants and $125 million for initial-year grants.)

(3) *Direct National Defense Education Act (title II) loans.* For the 1969–70 academic year, the Administration recommended that only $155 million be made available for NDEA loans, and the House increased this amount by about $74 million. This is much less than the regional panel-approved requests for $273 million nationally, and the Administration request is substantially below the $193.4 million in NDEA funds available during the last school year. If funded at the Nixon Administration's requested level, this means that participation would be down to 398,000 from the 442,000 students supported under the program during the 1968–69 school year. And in my State of New Mexico, only $830,600 in funds would be available for FY 1970—or only 45.71% of the $1.8 million in Regional Panel-approved funds.

Mr. Chairman, as you know, the Congress, after concentrating on doubts raised as to whether a subsidized insured loan program, or whether expansion of NDEA loans would be the most effective means of providing greater educational opportunities, added two additional provisions to the Emergency Insured Loan Act of 1969. P.L. 91–95 authorizes: (1) a temporary increase in interest rate up to 10% (from the present 7%) for the Guaranteed Insured Loan Program, providing $20 million for FY 1970 and $40 million for FY 1971 in "special allowances", based on periodic three-month reviews; and (2) increased the authorization for the NDEA loan program by $50 million for fiscal year 1970 and $75 million for fiscal year 1971, making the total authorization $325 million in 1970 and $375 million in 1971. Under NDEA, the student pays 3% interest, and the Government pays the rest at the prevailing rate.

I strongly support both of these actions. We must not rely exclusively upon the Guaranteed Insured Loan Program to "take up the slack" for people in lower income categories, as the Nixon Administration has suggested. We must expand funds for the NDEA Title II program so that low- and moderate-income families will not have to pay unreasonable, rigid, and inflated interest rates in order to send their children to college.

The incomes of many people in my state—while not at the poverty level—still fall well below the $15,000 level which is the criterion for eligibility for Title IV guaranteed student loans. The only help to be given these families—who are ineligible for programs for the extremely disadvantaged, but still cannot afford to be saddled with a heavy load of debt for years to come—is to turn to the direct government loans provided by Title II of NDEA.

Because I feel any other approach would be inimical to both the best interests of the Nation and our less affluent but well motivated youth, I cannot over-emphasize the importance of appropriating the funds proposed, with respect to both NDEA and guaranteed loan programs—and that, as provided by P.L. 91–95, it be made retroactive to August 15th in order that those banks making loans to students for this academic year on the promise that the incentive increase in interest rates would be enacted may know that Congress does keep its word. Needless to say, failure to do so will make liars of all of us—not only in the eyes of the banking sector, but also in the eyes of needy students, teachers, and parents.

(4) *Health Professions Student Loan Fund (Part C. Title VII, Public Health Service Act).* Mr. Chairman, we must use a similar approach to the Health Professions Students Loan Fund as we have in the case of NDEA loans to which I have just referred—namely, expanding funds. (Both programs operate similarly, with the student paying 3% interest and the government paying the rest at the prevailing rate.)

As already discussed above, one of the key features of the 1970 budget was to place greater reliance on guaranteed insured loans. Congress under P.L. 91-455 enacted on October 22, 1969, providing incentives to banks to make loans to students pursuing higher education by authorizing a temporary increase in interest payments up to 10% (from the present 7%) for the Guaranteed Insured Loan Program. This will unquestionably relieve the problem to some extent and will most certainly help more students from affluent situations. But this action should be viewed as complementary to, rather than as supplanting, programs for needier students under NDEA and the Health Professions Student Loan Fund.

Mr. Chairman, there is growing concern about the need for additional physician and related health professional personnel. The Health Professions Student Loan Fund is in its sixth year of operation, but, as indicated by the following comparison, funds for the program have been drastically reduced from the 1967 level of support:

Fiscal year	Number of schools [1]	Enrollment	Millions of dollars allocated	Percent of loan requests funded	Percent of students assisted
1967	196	58,874	$25.3	93.0	34
1968	217	64,741	26.7	80.7	36
1969	231	69,393	26.4	72.0	33
1970 (estimate)	243	74,855	15.0	36.0	18

[1] All medical professions—i.e., schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary schools.

In 1967, 196 schools—of which 88 were medical schools—with enrollments of 58,874 students, requested $27,175,233 in loans for that fiscal year under the Health Professions Student Loan Fund. The Federal Government funded $25,325,000, or 93.2% of requests. In 1970, however, we now have 243 schools with enrollments of 74,855; of these, 100 are medical schools with enrollments of 36,414 medical students. All students for all schools have collectively requested in excess of $41 million in loan funds, but the 1970 budget provides but $15 million, plus $4.8 million in funds transferred from the scholarship program, for meeting these requests. That amount, which has been paid out to schools already under statutory advance obligational authority, represents a shocking reduction from 93.2% to 36% of the 1967 funding level.

Mr. Chairman, our colleges and universities—particularly medical and dental schools—are increasing their enrollments, and new schools are coming into existence. If we are going to assure students careers in medical and paramedical professions, we must increase the availability of funds for their training.

In connection with the "scholarship program", it should be added that the House recommendation to transfer $4.8 million of the $16 million needed for that program to the Health Professions Student Loan Fund—leaving $11.219 million for scholarships—does not increase the total amounts available to students. The Scholarship program is a companion program directed to those students of exceptional financial need. If the House action is supported, the net effect will be that those students needing financial assistance the most will get the least; that funds will be taken away from students previously assisted under the scholarship program, thus requiring schools to renege on their commitments and obligations to students this year. Accordingly, Mr. Chairman, I most strongly recommend that there be no transfer of scholarship funds and that the $4.8-million in transferred funds be restored to the program so that money will be available to fund the scholarship program at full statutory entitlement (i.e., 10% of enrollments of all schools, times $2000, under the statutory formula).

In short, Mr. Chairman, we must ensure that enrolled students as well as new students will be able to continue and/or pursue medical careers. We must also open the door to potential medical manpower talent. No worthy student should be denied entrance to medical school because of financial inability.

There is great concern being voiced over the fact that because the curriculum in medical school is so demanding it is impossible for medical students to work at the time as they pursue their studies; indeed, many medical schools frown upon students working their way through school because of the danger of deterring the quality of product coming out of the school. Yet, many medical students are forced to do just that because of the ever-increasing high cost of living.

Former Secretary of HEW John Gardner, now Chairman of the Urban Coalition, has just made public the Coalition's 76-page report "Rx for Action," which states that there is a massive inflation of the cost of medical care precisely *because* adequate facilities and medical manpower have not been available.

If we are to change the pattern of health care services, reduce skyrocketing costs of health care, and get our "health care house" in order, there must be adequate Federal funds available under the Health Professions Student Loan Fund and scholarship programs so that more potential medical and paramedical personnel can be trained—and under no circumstances should we—in the name of economy—permit those currently in medical school to terminate or disrupt their studies by failing to provide adequate funds under these programs.

In light of the seriousness of the growing shortage of doctors and other medical personnel in this country, I should like to see the Health Professions Student Loan Fund expanded to the $35 million authorized under the 1968 Health Manpower Act, so that those seeking medical careers may pursue them. Otherwise, our Nation will continue to be deprived of the health manpower it so desperately needs.

(d) *Education Professions Development Act (Part V. HEA).* In general, Mr. Chairman, all programs under EPDA—including the Teacher Corps—must necessarily be construed to be very valuable projects in helping to fill crucial education manpower shortages and upgrade our teaching programs. Thus, any reductions in funds for these purposes will either cut back such projects or else increase the national competition in securing grants.

As you know, funds for parts C, D, and F, of EPDA are discretionary monies to be awarded on the basis of acceptable proposals submitted to the Commissioner of Education. Under parts C, D, and F, there are 10 categories of programs ranging from Basic studies, Career Opportunities to Vocational Education and Special Education.

Because of the Administration's decision to reduce the Basic Studies Program by $8 million, several fellowship and training institutes programs are being dealt a serious blow. On September 24, 1969, Associate Commissioner of Education Dr. Don Davies, announced that proposals for Basic Studies under Parts C and D will no longer be accepted. One effect of this decision will be to cut out further institute or fellowship programs in the important areas of Bilingual Education, Teaching English to Speakers of Other Languages, Reading, and Remedial English.

Mr. Chairman, I find it hard to understand why programs such as these which are of such relevance to minority language groups should be cut out. It is ironic that at a time when the Commissioner of Education has called for a massive attack on problems of reading that programs such as this directly relevant to reading problems should be singled out for reduction.

The Bilingual Education Fellowship Program at the University of New Mexico, for example, is just starting to train the specialists who will make it possible for school systems to carry on this initiative. During FY 1969, $257,680 was awarded UNM to train teachers in bilingual education. Only four other bilingual teacher training programs exist nationwide, training less than 200 teachers in fiscal year 1969—the first year of the program.

To eliminate these five programs for even one year will be a major setback for those providing the leadership that will be needed for grappling with the problems resulting from the multilingual and multicultural societies within which we live, and for the fulfillment of those objectives which I have already outlined under my discussion of bilingual education.

Accordingly, Mr. Chairman, I strongly recommend that the Committee express the intent of the Congress that proposals for the Basic Studies Program under Parts C and D of EPDA continue to be accepted by the Commissioner of Education; that funds in the amount of $8 million be restored to the Basic Studies Program; and that a total of at least $80 million be obligated by the Department of HEW for the award of grants.

Additionally, Mr. Chairman, Part F, Title V, designated to help train teachers in the vocational education field, will in turn suffer unless funds are increased from the $5.75 million currently allocated. As in the case of bilingual and special education programs, if we are increasing our vocational education emphasis in the program sense, it follows that we must ensure that there are a sufficient number of trained professionals to help educate our youth in these fundamental and important areas.

Therefore, I strongly support the recommendation to increase the expenditures under Part F (Vocational Education) to at least $20 million for FY 1970, thereby making a total of $25.5 millions available. I think this request is modest because it is my understanding that there are at least $35 million in requests for vocational education training that could be funded if money was available.

SECTION III. LIBRARY AND COMMUNITY SERVICES PROGRAMS

Mr. Chairman, the Nixon Administration's announced intention to give low priority to library materials, services and construction represents the largest cut of all in our educational program—66% of the entire slash in education funds. Yet, in celebration of National Library Week, during April of this year, Mr. Nixon commented most eloquently on the vital contribution made by libraries to the intellectual life of our Nation; then, he proceeded to get our progress towards intellectual development back by virtually putting our libraries out of business:

1. The Nixon budget calls for only one-half—approximately $17.5 million—of the FY 1969 appropriation for Title I grants, under the Library Services and Construction act, which have been so useful in prodding

local and State Governments to spend money to improve and expand their library systems.

2. The Nixon budget asks that no funds at all be provided under Title II of the same Act—the construction portion for new libraries—although the FY 1969 appropriation was $9.185 million.

3. The Nixon budget cuts to zero the $50 million provided under the FY 1969 appropriation for Title II of the Elementary and Secondary Act, funds that would provide library materials and textbooks for public and private schools. House action would, however, authorize $50 million for this program.

4. The Nixon budget slashes to $12.5 million the FY 1969 appropriation of $25 million for college library resources under Title II–A of the Higher Education Act.

5. Title II–B funds under the same Act for librarian training plus research have been reduced under the Nixon Budget from $11.25 million to $6 million.

6. Under Title VIII of the Higher Education Act, the Congress had authorized $4 million for a new program of planning and startup of "networks of knowledge," but the Nixon Administration has allocated no funds whatsoever for this important program of encouraging institutional resources sharing between higher education institutions with limited resources, development of computer hookups, and other creative and developmental projects.

7. And finally, the Nixon budget schedules at a $4.5 million level, instead of the $5.5 million FY 1969 appropriation, funds under Title II–C of the Higher Education Act which would permit continuation of a program which has elicited much praise for its great contribution and assistance to colleges and universities throughout the country—namely the ongoing program of cataloguing and acquisition of materials by the Library of Congress in order that libraries all across the nation will not waste millions of dollars in a duplication of effort to stay abreast of new publications.

Mr. Chairman, we are all aware of the importance of good books and library services in the whole learning process. With the ever-increasing explosion of knowledge, these cuts are indeed a tragedy which we cannot allow to happen. Education is a continuing and enriching process, and there is a special relationship between the quality of library facilities and the quality of education our schools and colleges can offer. Moreover, our libraries are essential social and educational institutions that encourage the extension and active generation of ideas through books, tapes, films, records, printouts, and video-tapes. They are universities of all the people, and our librarians are dedicated, overworked men and women who render an incalculable service in helping the people to reach the world's collected informational and intellectual resources.

Mr. Chairman, all of these library programs have been of special benefit to ghetto schools and small, rural school districts where money for such purposes remains extremely scarce. In my own State of New Mexico, with its high percentage of Indians, migrants, and Spanish-speaking minorities, the demands for library service are extremely heavy. If the drastic cuts in financial assistance proposed by the Nixon Administration are permitted to stand, New Mexico's allotment for Library Resources under Title II of ESEA will drop from $255,312 to $127,656. As a result, there will be serious cultural and educational deprivation for many preschool children from illiterate homes, migrant workers, people on welfare, and others representing the very core of desperate need and loneliness. The lively interest in summer reading programs for children will suffer—and in an area where a key cause of failure in school is inability to read. Other energetic self-improvement programs for serving the community will also take their toll—talking book machines and other aids to the blind and handicapped, information used for vocational and adult education, and 4 to 6 state library regional bookmobiles providing service to 18 Indian pueblos and a large rural segment of the population.

Additionally, as a result of the proposed cuts in program funding, it is estimated that the reduction in books purchased in New Mexico will be down to 17,200 from 275,200. Students in New Mexico affected by these reductions number 267,000 and they cut across all ethnic groups. There are no other funding sources in New Mexico with which to meet these needs. We were short a total of 550 school libraries at the end of FY 1969, and there is no prospect of closing the gap unless the level of Federal funding is increased.

Mr. Chairman, I am also greatly concerned over the monstrous accumulation of information and paperwork which is slowly burying us and has slowed information retrieval to a mere crawl. Clearly, the problem is critical, since a researcher must be able to find out in a reasonable amount of time what results are known concerning problem X. There is no question that the knowledge explosion demands new techniques for arranging and generalizing our rapid increase in knowledge about many processes. But as our present libraries and research facilities grow in size, they also become increasingly difficult to use. Our present cumbersome library system is likely to be obsolete by the end of the century, and it is by no means too early to start planning a radical reorganization of the system now, since libraries of the future will have to make heavy use of automation. The new "networks for knowledge" programs, under Title VIII of the Higher Education Act is a start in this direction.

This is not, of course, to say that we will be abandoning personal contact with books or proposing the use of machines where human beings can perform the task more efficiently, but without some degree of mechanization, information retrieval will become impossibly difficult within a few decades. The alternative can only be for libraries to abandon any degree of completeness.

In the face of all these very fundamental operational and financial needs of our libraries and librarians, who are begging for materials and funds so that they may expand and do their job, we cannot afford to curtail library assistance funds. If we do, our children will pay the hidden price in terms of loss of great dividends in knowledge and wisdom. Further, it could prove ruinously expensive to the Nation as a whole.

I most strongly urge that we restore funds for our library Assistance Programs to at least the level recommended by the House, so that we may continue with the vast improvements needed in our library systems. I would also urge that we act to add funds for the new and innovative "networks of knowledge" program, under Title VIII of the Higher Education Act (Institutional Sharing of Resources)—for which no funds whatsoever have been provided—to at least the $4 million authorized level, in light of the threat posed by the ever-increasing "knowledge explosion" and the criticality of finding new techniques for reorganizing our present cumbersome research and library systems.

Nor can we underestimate, Mr. Chairman, the far-reaching and exciting consequences of such great social tools as educational TV and radio facilities programs in changing the lives of American citizens. The Educational Broadcasting Facilities program—as distinguished from the Public Broadcasting Act of 1967—is a matching grant program which provides the catalyst for construction of new educational TV and radio stations and the improvement of facilities of existing stations. Grants go to public school systems, colleges and universities, and other public and private agencies in order to enable them to purchase the equipment they need to produce instructional and public broadcasting programs and transmit them to the public.

We must have the wisdom to match our technical genius to the needs of education. This program would not only provide for economy in education, but also efficiency, and would assure quality education to youngsters and adults who might not otherwise be able to receive it. It is an excellent medium for teaching such subjects as bilingual education and mathematics, and is also most productive in terms of vocational education programs and basic adult educational courses. Many anti-poverty and youth programs could be greatly enhanced by making the products of this program as widely available as possible. For those without TV sets, equipment secured through the program could be set up in libraries and other facilities to make such instruction available to those with a real desire to better themselves.

I know of the Chairman's excellent work on the Commerce Committee and his deep and continuing interest in the health of the television industry. In this connection, I am sure that Mr. Chairman recognizes the merit of Educational Broadcasting Facilities grants and the inadequacy of the $4 million House-passed appropriation. In House floor debate, as set forth in the CONGRESSIONAL RECORD, volume 115, part 16, page 21458. Mr. Macdonald of Massachusetts offered an amendment to increase the House appropriation from $4 million to $8.625 million. Unfortunately, because of House rules, the Chairman of the HEW Subcommittee was obligated to raise a point of order. This foreclosed the opportunity to have floor action on this item. I feel sure that if the Senate Committee were to increase the amount up to or above the level suggested by Mr. Macdonald, this might well be an item which could be accepted by the House in a conference situation. I emphasize that action on the Macdonald amendment was occasioned by procedural grounds rather than substantive merit.

I hope we can be instrumental in directing the fruits of our technology to great, rather than trivial purposes, and I most strongly urge full funding for programs such as this.

SECTION IV. VOCATIONAL EDUCATION

Mr. Chairman, the House has indicated the high priority it places on vocational education in striking at the root causes of poverty by increasing the $279.216 million budget request by $131.5 millions—for a total of $488.716 million. This includes the addition of $40 million for students with special needs; $10 million for the vocational work-study program; plus over $33 million for research and development. Last year, Congress authorized over $822 million in Federal aid to vocational education for FY 1960, under the new 1968 Amendments to the Act.

In February of 1967, the American Vocational Association surveyed the States to get estimates of Federal funds that would be necessary in order for the States to move towards the goal of meeting the vocational education needs of all persons of all ages in all communities. Estimates were projected through 1970, and revealed the following:

Estimated Federal funds needed for vocational technical education, 1970	$1,213,616,689
Estimated local and state support available for vocational technical education, fiscal year 1970	1,045,666,676

It is certainly evident that the current budget is much less than adequate if the needs for vocational technical education are to be met.

Mr. Chairman, because I believe it is basic to most of our domestic problems, I have set as among the highest of our national priorities the full funding of vocational and occupational education programs. Indeed, the past years have been a period of intensive social experimentation and soul-searching characterized by a new responsiveness to old and widespread problems of human distress. A healthy and rapidly expanding economy caused in part by soaring technological advancement has been accompanied by serious national problems centering around the growing social and economic disparities caused by underemployment and unemployment.

Regrettably, the new technology has rendered many of our fellow citizens helpless. It has created a demand for workers possessing higher levels of educational skills and an attendant decrease in demand for the lesser skilled. Moreover, we are still faced with the problem of providing a relevant education for almost 80 percent of American youth who do not graduate from college. Our high dropout statistic is viewed by many as a reflection of the failure of the school system.

At present, there are four exits to the high school: (1) higher education; (2) a diploma and immediate employment; (3) a diploma with no preparation for any activity in contemporary life; or (4) the dropout door. The latter two undesirable exits indicate that we are not fulfilling our educational mission; that we must restructure our educational programs so as to offer a *total* educational program for all.

The Vocational Education Act of 1963 and the 1968 amendments to the Act were indications of a growing indication that no one ought to leave our educational system without a marketable skill. Meanwhile, there is serious talk about a guaranteed national income or negative income tax for those unable to join the economic mainstream. Should we irrevocably adopt such remedies before ensuring that we have done all we can to develop our manpower?

Mr. Chairman, I submit that this Nation must place a whole new emphasis on occupational and vocational education if we are to avoid manpower shortages in our rapidly-expanding economy within the next few years. Moreover, unless we provide more meaningful education for young people today, we will be continue to see an increase in the turmoil in American schools because we will be contributing to unemployment by turning out another crop of unprepared workers for the job market. Furthermore, we will be doing grave injury to the future prospects of thousands of young people throughout the Nation who so badly need the high quality vocational education which the Vocational Education Amendments can help supply them.

Vocational education opportunities are especially vital to severely depressed areas in my State of New Mexico, where unemployment is high and skills are few. If New Mexico is to progress—if it is to provide increased employment opportunities for our citizens—it must attract industry. But to attract industry, we must have the lure of a ready and trained workforce. With a reservoir of skilled people and the congregating of industry and business in the state, however, the economic vitality of the area would leap forward since people would be put to work, given added buying power, and taken off the relief rolls.

It has been estimated that the vocational offerings in the State of New Mexico should be tripled immediately. This estimate has been provided by the State Department of Vocational Education and is based upon the fact that only approximately 10% of the 44% of students entering college actually receive a baccalaureate degree. It is the feeling of the Department that the State could use to good advantage at least $3.5 million in federal funds alone, and that unless the $1.9 million in Federal funds available to New Mexico for FY 1970 under the Nixon Budget is increased to at least the $3.5 million level, very little expansion can take place in the vocational area.

Mr. Chairman, I wish to include in the record at this point a chart (Fig. 5) prepared by the New Mexico State Vocational Education staff, showing projected needs for the State for 1969–70 and also for 1970–71. It may be noted that known needs approximate $7 million in federal funds for 1969–70, plus $5.5 million in state or local funds, for a total of $12.9 million; and for 1970–71, still more funds will be needed—$8.2 million in Federal funds, $6.3 million in state or local funds—for a $14.5 million total.

I have been tremendously impressed with the results we have achieved so far in my State of New Mexico with Federal vocational education assistance. I believe funds for the entire vocational education program should be increased to the maximum extent possible, since it meets a need that cannot be met by any other segment of education in the country. Indeed, the recent Annual Report of the National Advisory Council on Vocational Education bears out these findings.

In this connection, it is important to note that the 1968 Vocational Education Amendments (P.L. 90–576) stipulated that a definite percentage of each State's total allocation for vocational education be spent on vocational programs designed to serve three specific categories of students—15% for academically and socio-economically disadvantaged persons, 15 percent for postsecondary individuals, and 10 percent for physically or mentally handicapped individuals. Funds for these purposes are, of course, essentially, but I would like to point out that if Congress maintains 1970 vocational education appropriations at the administration-recommended level, any given State will be likely to receive about the same allotment for FY 1970 as it received for FY 1969. From this same amount, the State must earmark at least 40 percent of its funds for disadvantaged, postsecondary, and handicapped programs. This would leave the State with but 60 percent of their 1969 allocation to spend on ongoing programs. The net effect is obvious—effective and successful programs currently operating will be sacrificed, and in cities and towns not meeting the qualifications necessary to establish programs for the disadvantaged and handicapped, the effect would be magnified when the State's allotment is disbursed to local school districts. Thus, failing to increase vocational education appropriations will frustrate vocational educators, whose hopes have been raised by passage of the 1968 amendments.

Additionally, Mr. Chairman, I don't want to see any of these vocational education programs suffer, since they fill gaps not filled by present programs. I refer specifically to those programs authorized by the 1968 amendments for which no funds have been requested by the administration—i.e., work-study grants, the program for students with special needs, and the establishment of residential voc. ed. schools.

The work-study grants, for example, fill a gap not filled by college work-study, by OEO programs, or any other Federal program. It has permitted aid to students in existing vocational education schools and enabled many of them to acquire skills fitting them for today's job market. Summer programs utilizing these monies have kept thousands of youth off the street while providing them an education which they consider relevant. I question therefore whether the $10 million in funds added by the House is adequate and would recommend increases to as near the $35 million level authorized by Congress as is possible.

FIGURE 11.—PROJECTION OF VOCATIONAL EDUCATION NEEDS FOR NEW MEXICO

Item	1969–70			1970–71		
	Federal	State or local	Total	Federal	State or local	Total
Regular vocational	$3,842,000	$3,842,000	$7,684,000	$3,842,000	$3,842,000	$7,684,000
Home economics	238,000	166,600	404,600	238,000	166,600	404,600
Cooperative vocational education	238,000	0	238,000	238,000	0	238,000
Work-study	238,000	47,600	285,600	238,000	47,600	285,600
Special needs	272,000	0	272,000	272,000	0	272,000
Research	50,000	0	50,000	50,000	0	50,000
Residential and/or area vocational school construction:						
Farmington	671,287	671,288	1,342,575			
Silver City	750,000	750,000	1,500,000			
Las Vegas				750,000	750,000	1,500,000
Clovis				750,000	750,000	1,500,000
Las Cruces				750,000	750,000	1,500,000
Curriculum development	68,000	0	68,000	68,000	0	68,000
Exemplary programs	349,000	0	349,000	349,000	0	349,000
M.D.T.A. training	498,087	30,000	528,087	498,087	30,000	528,087
M.D.T.A. supervision	55,515	0	55,515	55,515	0	55,515
Metro-rural supervision	36,982	0	36,982	36,982	0	36,982
State advisory council	50,000	0	50,000	50,000	0	50,000
Total	7,356,871	5,507,488	12,864,359	8,185,584	6,336,200	14,521,784

The program of aid for those with special needs, for which Congress authorized $40 million for FY 1970, has also been cut out entirely by the Nixon budget, but was restored by the House. As our former Vice President, Hubert Humphrey, has pointed out, we have, for example, 6 million mentally retarded in this country and over 5 million are trainable. Two million now hold jobs, which means another three million could be trained and employed. In the food service industry alone, it is estimated that there are 300,000 jobs waiting to be filled in the next 10 months. If properly trained in this and other appropriate areas, many of these people could hold down useful and productive jobs instead of costing the government some $3,500 per year in welfare benefits. In addition to adding to our economy, we would also gain each time a mentally retarded or other person with special needs had new dignity added to his or her life.

The $55 million which we in Congress authorized for establishment of residential vocational education institutions would also carry out the original intent of the Act, but no funds whatsoever have been provided for this purpose. Generally speaking, I favor the area vocational school concept but experience with the Job Corps, a few residential programs run by vocational educators under MDTA, and residential experience in Junior Colleges, demonstrates that there are those whose home and neighborhood environments make training away from home desirable. Moreover, a large number of potential students of vocational education live in isolated areas where a meaningful vocational education curriculum is impossible. It is for these and other reasons that I believe an adequate

system of occupational preparation must provide residential school facilities wherever their absence presents an obstacle to anyone in need of eductaion and training. Therefore, I recommend that we appropriate at least $25 million for the residential school program.

In short, then, Mr. Chairman, both precedent and common sense tell us that our strength, creativity and further growth depend upon our capacity to develop the talents and potentialities of our valuable human resources. Both precedent and common sense also tell us that there is no sounder investment than the few dollars we invest today in vocational education. They will pay off in handsome dividends tomorrow in the form of increased tax dollars, and a reduction in costs of welfare and crime in the community, state and Nation. Because of the awesome responsibility which we have in helping to prepare youth for their life roles as employed adults and citizens, I most strongly urge that we act to meet the $1.2 billion in known vocational education needs of our students and society by appropriating funds to a level of at least $792.65 million, and thus, make it possible to mesh vocational eduaction with the total purposes of education and the achievement of our national goals.

SECTION V. FORWARD FUNDING

In closing, Mr. Chairman, allow me to comment briefly upon one last matter of great concern. With the exceptions of Title I of ESEA, Title I of HEA and the EOG Program, we do not have forward funding for any of our federally supported education programs. This imposes an almost debilitating handicap upon our school systems. Without forward funding, the job of effective program planning becomes nearly impossible; quite simply the present method of appropriation, which each year seems to occur later than in the one before, does not allow educators with sufficient lead-time.

The operation of our schools is desperately in need of modern management technique which will make them more efficient and effective. One of the necessary conditions for helping our school systems develop an internal management capability is sufficient time to conduct program planning. Forward funding for all education programs, including vocational education, would allow educators, through added time and flexibility, a chance to conduct their work in a more rational and competent manner.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate? Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and other devices.

The Senate proceeded to consider the bill.

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

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

Mr. ALLEN. Mr. President, I rise in opposition to the amendment in the nature of a substitute offered by the Senator from Pennsylvania (Mr. SCOTT), which in effect would continue sections 4 and 5 of the Voting Rights Act of 1965 for an additional period of 5 years.

It would make what is supposed to be a concession as regards the States not now covered by the automatic triggering device of the act by banning the literacy requirements for voting in those States. That, in the judgment of the junior Senator from Alabama, is certainly a poor concession, because we do not need less literate voters. We need more literate voters.

The device that was used in 1965 to trigger the provisions of the act against the seven Southern States was unfair and discriminatory at the time of the enactment of the 1965 Voting Rights Act, because it automatically convicted, passed judgment upon, and held to be guilty those Southern States which had literacy tests for voting, in which fewer than 50 percent of the voting age population of those States were registered to vote on November 1, 1964, or actually participated in the November elections of 1964.

Both facts had to coincide. They had to have the literacy test or device as the act referred to it, and they had to have fewer than 50 percent of the voting-age population registered or voting in November 1964. No proof was necessary as to those States that they had been guilty of discrimination, that they were using the literacy tests or devices to discourage voting or to discriminate against anybody in the exercise of his or her franchise.

Then, too, another unfair feature of the act, sections 4 and 5, was and is the fact that if a State had more than 50 percent of its voting age population registered or participating in the 1964 election, then in those counties in that State where fewer than 50 percent were registered or voting, those counties came under the provisions of the act. They were automatically found to be guilty of discrimination, whether or not they were in fact guilty of discrimination.

Then, of course, if counties in a State had the required 50 percent voting and the State as a whole had fewer than 50 percent qualified voters, then the act applied and applies to those counties, even though they have a sufficient number of qualified voters in that county or in those counties.

Now, the Scott amendment, in seeking to continue sections 4 and 5 of the Voting Rights Act of 1965 uses the same 1964 figures, no matter if every man or woman in a State 21 years of age or over has since the enactment of the Voting Rights Act qualified as a voter and participated in the 1968 election. If every single person in that State has qualified as a voter, still under the provisions of the Scott amendment the State would be held up to contempt, and would be adjudged as automatically being guilty of discrimination.

So if they are going to extend the provisions of the act, if they are going to keep sections 4 and 5 in the act, why can they not base the test on the 1968 figures? The Scott amendment, or any extension of sections 4 and 5, whether by a simple extension of the act or by the Scott amendment, any amendment that simply extends sections 4 and 5 for another 5 years fails to take into account any action by a State in the last 5 years.

Now, in 1965 the 50 percent goal was set up as a proper criterion. If a State supposedly had 50 percent of its population 21 years of age or over registered or voting, then it did not come under the automatic provisions of the act.

Let us look at the record of the States covered by the automatic provision. In just a moment I am going to explain what I mean by the automatic provision as distinguished from the so-called pocket trigger of the act.

In the State of Alabama in 1968 white registration was 82.5 percent, and nonwhite registration was 56.7 percent. We have come up to this goal that was set in 1965 as being a test of whether a State was discriminating or not. If a State did not have 50 percent of the eligible persons qualified to vote and actually participating it was conclusively presumed to be discriminating and made subject to the provisions of the act.

If 50 percent is the proper goal, the State of Alabama has reached that goal. I daresay an average between 82.5 percent and 56.7 percent would be somewhere in the neighborhood of 65 percent. In other words, the State of Alabama has reached a point where approximately 65 percent of our 21 years of age and over population are qualified to vote. Yet the 1965 act states if you have 50 percent you are not going to be automatically covered.

Let us look at other States covered by the act. Georgia, in 1968, had a white registration of 84.7 percent, and a nonwhite registration of 56.1 percent; there, again, an average of 65 percent, overall.

Mr. President, on this 50 percent provided for in the 1965 act it did not have to be 50 percent of the nonwhite population. It did not refer to white or black, majority or minority. A State could have failed to be included under the automatic trigger if 50 percent of its voting age population was registered to vote or voted, even though every single one of that 50 percent were white, or every single one of that 50 percent were black. No differentiation was made between the two, showing how illogical the goal of

standard of 50 percent is, because it does not take into consideration any ratio between the white and black population.

Now, let us go on. In Louisiana the percentage of white registration in 1968 was 87.9 percent. Nonwhite, 59.3 percent.

There again, it was some 65 or 70 percent of the population. Yet the goal that was set was 50 percent. They came up to 65 percent or 70 percent, and they say, "No, that does not matter. We are looking back to the past. We are not concerned with what the situation is now. We are going to apply the same rule, using the 1964 figures, not taking into account whether any discrimination, if any existed, has been eliminated, not taking into account whether every man or woman in the State has registered and voted in 1968. We are going to use this 1964 figure."

Why are they going to use the 1964 figure? Because the target was agreed upon at the outset. The target was the Southern States, and is the Southern States.

(At this point, Senator BYRD of Virginia assumed the chair as Presiding Officer.)

Mr. ALLEN. In Mississippi, 92.4 percent of the white citizens 21 years of age or over registered in the spring and summer of 1968. It is higher than that now, I am confident. The percentage of nonwhite registration in Mississippi was 59.4 percent.

North Carolina, 78.7 percent white; 55.3 percent nonwhite.

South Carolina, 65.6 percent white; 50.8 percent nonwhite.

Virginia, 67 percent white; nonwhite, 58.4 percent.

Mr. President, they use the word "device." We hear a lot about the devices that the States are using, and of using literacy tests as a device. Well, the people who framed the 1965 Voting Rights Act and the people who framed the Scott amendment to the 1965 Voting Rights Act used a device, and it discriminated against the Southern States, because they chose the Southern States as the target. They said, "How are we going to decide? How are we going to devise a way to hit them without hitting the rest of the country?" They devised it by saying it applies to those States that have the device of a literacy test for voting and that had fewer than 50 percent of the voting age population actually registered to vote or actually voting. It applied where those two conditions coincided, and they coincided only in the Southern States. So this method was devised, and this device was used to hit just the Southern States.

Mr. President. the 1965 Voting Rights Act was enacted before I had the honor of representing the people of Alabama in the U.S. Senate. I am told by Senators who participated in that debate that since the State of Texas had only 44 percent of its voting age population registered and voting in 1964, it would have come under the provisions of the automatic triggering device except that it did not have a device such as a literacy test. It had only one of the two component parts of the test. Therefore, the automatic trigger contained in the bill did not trigger it against the State of Texas, even though some of the other States that were covered had a larger percentage of voters registered and voting than did the State of Texas, but they had the so-called device in the form of a literacy test.

I am glad the State of Texas is not covered by the automatic trigger, because I think the use of the automatic trigger, picking out the target to start with and then picking out how to hit that target, is unfair, discriminatory, and unconstitutional.

What is the effect of the automatic trigger and how does that differ from the law with reference to the rest of the country? I do not believe it is clearly understood that we have in fact a Voting Rights Act that applies to the entire country. When we speak of extending the Voting Rights Act, some people understand that to mean that if it is not extended, we will not have any Voting Rights Act; that it will expire on August 6, 1970. Well, that is not exactly right.

The automatic triggering device set up in sections 4 and 5 are the only temporary sections in the act. There are 19 sections in the Voting Rights Act of 1965. Seventeen of those apply throughout the entire country. Only sections 4 and 5 apply only to the Southern States.

Mr. President, I am happy to note in the chair the distinguished senior Senator from the State of Virginia (Mr. BYRD). I notice from the report of the House of Representatives on the Voting Rights Act when it was reported back to the House some interesting comments as to the State of Virginia. It stated in its report that—

> Virginia's record under coverage of the Voting Rights Act is further evidence that Virginia does not practice racial discrimination in voting. According to evidence supplied the committee by the Department of Justice, not a single Federal registrar has been sent into a single precinct in a single county or city in Virginia; and no Federal observers have been dispatched to oversee a single election anywhere in Virginia.

(At this point Senator BYRD of West Virginia assumed the chair as Presiding Officer.)

Mr. ALLEN. Virginia is covered by the automatic trigger. It is held to be guilty without a trial. That offends our principles of Anglo-Saxon justice and due process—to be held guilty without a trial.

That is exactly what has been done with respect to the great State of Virginia, and I know that that is resented by the distinguished senior Senator from Virginia, and by the people of that great State.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. I am very grateful to the Senator from Alabama for bringing out the facts in regard to the State which I have the honor and the responsibility to represent.

As the Senator from Alabama has so eloquently stated in his address to the Senate today, these figures and these statements dramatize the unfairness of this so-called voting rights law.

The Senator from Alabama has been giving an extremely graphic presentation of the case as to the unfairness of this law, and the fact that it applies to only one section of our Nation.

Of course, I, as a Virginian, am very proud of the fact that despite this unfair law, which applies to only six States plus a part of a seventh State, not one single Federal registrar has come into Virginia.

There has been no evidence presented that there was any need for a Federal registrar to come into our State, and, as the Senator from Alabama has pointed out, the record clearly shows that there has been no voting discrimination in Virginia, and as a result of that, the law regarding Federal registrars coming into the State has not been necessary insofar as Virginia is concerned.

The fact that concerns me so deeply, just as it concerns the Senator from Alabama, is the unfairness of this proposition and the double standard that is being used, again, by the Federal Government, in applying the Voting Rights Act to only a few States.

Congress has done the same thing in regard to the busing of schoolchildren to achieve racial balance.

One of the most interesting exchanges I have heard during the time I have been a Member of the Senate occurred several weeks ago, when the distinguished and able Senator from Connecticut (Mr. RIBICOFF), in a debate with the Senator from New York (Mr. JAVITS), pointed out: Now, you want to have racial balance in the schools of the Southern States, and so do I, said the Senator from Connecticut, but he added, I can point out that within your own city of New York, just within a few blocks of where you live, there are a dozen schools which are 99 percent black, and there is no racial balance. This was the substance of Senator RIBICOFF's remarks.

The Senator from New York replied, in effect—though not in these exact words—Well, things are different in New York. We have a different problem there, segregation because of residential pattern. We have a little different problem and we have to have time to work it out.

And incidentally, I heard the Senator from New York state on this floor the other day something I never expected to hear him state, in regard to this busing problem. He said, in effect that so far as New York is concerned this is a matter that must be worked out by the State. He talked like a States' righter. I never expected to hear the Senator from New York sound like a States' righter.

When he says that is a matter that has got to be worked out by the States, I agree. But when some of us, like the Senator from Alabama and the Senator from North Carolina, say that these matters pertaining to Virginia and Alabama and North Carolina should be worked out by those States, then we are treated with derision by some other Members of the Senate who term us States' righters.

As far as I am concerned, I do believe that the individual States do have certain rights and certain responsibilities.

I think one of the troubles in this country today is that we have centralized too much authority in Washington. Many have tried to say, "We can run everything from Washington; let us consolidate everything here in the city of Washington, because we know best how to proceed." Yet we cannot even run the District of Columbia.

I say this country is too big, it is too diverse, and the conditions are too different to try to run this great country of 200 million persons out of the city of Washington.

I am grateful to the Senator from Alabama for bringing out these facts about the State of Virginia, and I am proud of the record of the State of Virginia, in that we have no discrimination in voting, as the record so clearly shows, just as the Senator from Alabama read into the official RECORD of the Senate a few moments ago.

Again I express my gratitude to my colleague from Alabama.

(Mr. BYRD of Virginia assumed the chair as Presiding Officer at this point.)

Mr. ALLEN. I appreciate the contribution the distinguished Senator from Virginia has made to this discussion. I have long been an admirer of the senior Senator from Virginia, even while in Alabama, before coming to the Senate. I was a great admirer of his distinguished father, and I feel that the able senior Senator from Virginia is a worthy successor to that great and noble statesman, who represented the State of Virginia in this Chamber for so many years.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I am happy to yield.

Mr. ERVIN. I ask the Senator from Alabama if he agrees with the Senator from North Carolina in the observation that Senators from the great Old Dominion have made a most significant contribution to the constitutional and governmental philosophy of America.

Mr. ALLEN. There is no doubt about that.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the statement made by a great President born in Virginia, Woodrow Wilson, when he said:

> When we resist the concentration of power, we fight the processes of death, because the concentration of power is what always precedes the destruction of human liberties.

Mr. ALLEN. Yes, I certainly agree with that.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that, in opposing the so-called Scott substitute, we are fighting against the concentration of power here in the Federal Government, and by so doing are opposing the concentration of power which can only destroy human liberties by destroying the Constitution itself.

Mr. ALLEN. I do agree with the comment of the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama if the Supreme Court of the United States, speaking through Chief Justice Salmon P. Chase, did not state, in the great case of Texas against White, that a State is composed not only of the State government but is also composed of all the people who reside in the territory which constitutes the geographic extent of the State.

Mr. ALLEN. Yes, that was a very wise statement.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that Chief Justice Warren virtually admitted in his opinion in South Carolina against Katzenbach that the Voting Rights Act of 1965 was a bill of attainder, and that the only way that the Chief Justice could reach the rather fantastic conclusion that the Voting Rights Act of 1965 was not unconstitutional was upon his statement that the prohibition on bills of attainder in the Constitution of the United States, both in respect to Congress and the States, did not apply to the States?

Mr. ALLEN. Yes, I certainly agree with the Senator.

Mr. ERVIN. Can the Senator from Alabama surmise one thing which the Senator from North Carolina has not been able to surmise: That is, how Chief Justice Warren could reach that fantastic conclusion in view of the fact that the definition of bills of attainder made by the Supreme Court of the United States in such famous and sound cases as ex parte Garland and Cummings against Missouri was this, in substance: That a bill of attainder is a legislative act which condemns persons, or persons who can be ascertained, for wrongdoing without a judicial trial, and on that basis inflicts punishment upon them?

Mr. ALLEN. I would say to the distinguished Senator from North Carolina that the junior Senator from Alabama is unable to fathom or rationalize the thought processes or reasoning of the former Chief Justice of the United States.

Mr. ERVIN. I ask the distinguished Senator from Alabama if he does not recall that the law which was involved in Cummings against Missouri was a statute passed by the Legislature of Missouri in the political climate which condemned everything southern, immediately after the close of what one of my professors called the "uncivil war." That statute even forbade a minister of the Gospel, who had been a sympathizer with the Confederacy, from saving the souls of sinners by preaching the Gospel of the Lord Jesus Christ?

Mr. ALLEN. I am glad to get the comments of the distinguished Senator from North Carolina in this matter.

Mr. ERVIN. Does not the Senator from Alabama recall that the Supreme Court of the United States in Cummings against Missouri held that Missouri passed a bill of attainder when it declared that no person who had been a sympathizer with the Confederacy could preach the Gospel, and that he was deprived not only of the privilege of trying to save sinners for the benefit of the Lord, but also was punished by being deprived of practicing his profession as a minister of the Gospel?

Mr. ALLEN. I would say to the distinguished Senator from North Carolina that the reasoning behind some of the opinions alluded to by him remind me somewhat of the reasoning behind some of the more recent decisions of the U.S. Supreme Court.

Mr. ERVIN. I ask the distinguished Senator from Alabama if he does not also recall that ex parte Garland involved an act of Congress which denied to a lawyer who had been sympathetic to the Confederacy the right to practice law, and that the Supreme Court of the United States held that that act of Congress was unconstitutional as a bill of attainder forbidden by the Constitution, in that it condemned the lawyer by a legislative fiat and punished him by depriving him of the right to exercise and practice his profession as a lawyer.

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. I would say further that if I am allowed to participate for any great length of time in a colloquy with the distinguished Senator, I will get the benefit of a mighty fine short course in constitutional law, because I regard the distinguished Senator from North Carolina as possibly the greatest constitutional authority not only in the Senate but also in the entire United States.

I would certainly like to substitute some of the offhand opinions of the distinguished Senator from North Carolina for some of the reasoned and deliberate opinions of some of the Justices of the Supreme Court.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina is deeply grateful to the Senator from Alabama for the high compliment which he has paid to the Senator from North Carolina, but the Senator from North Carolina is deeply regretful of the fact that the Warren Court has reversed everything the Senator from North Carolina has known concerning constitutional law and has left the Senator from North Carolina totally ignorant on that subject insofar as its modern state is concerned?

Mr. ALLEN. I thank the distinguished Senator, and I admire his modesty.

Mr. ERVIN. I ask the Senator if the Voting Rights Act of 1965 did not condemn the elected officials of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana of violating the 15th amendment based on a triggering device created by section 4(b) of the act without a judicial trial; and on that basis—and that basis alone—punish the seven States I have mentioned by depriving those States and their governments and their elected officials and their people of the power to exercise the power vested in them to prescribe literacy tests by four separate provisions of the Constitution.

Mr. ALLEN. Yes, it certainly did.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that under all of the decisions up to the time of the decision in South Carolina against Katzenbach, the Voting Rights Act of 1965 constituted a bill of attainder prohibited by the Constitution of the United States?

Mr. ALLEN. That is correct.

Mr. ERVIN. Does the Senator from Alabama think that the Senator from North Carolina is in error when he says that any judge or any court which can distinguish any difference between Cummings against Missouri and ex parte Garland and the Voting Rights Act of 1965 must be capable of unscrewing the inscrutable?

Mr. ALLEN. I would agree with the comment of the distinguished Senator.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Voting Rights Act of 1965 nails shut the doors of every Federal court in the South and in all other areas of this country except the doors of the District Court of the District of Columbia?

Mr. ALLEN. Yes; that is correct. It caused even such a liberal jurist as Mr. Justice Black to dissent from that provision, saying that it was unfair, improper, and too great a burden to place on a State, to require it to go to a far and distant place, to a strange court, to lay its case before the strange court. He even drew a parallel between that type of despotism, that type of bureaucracy, and the action of the King of England, King George III, which was referred to in our own Declaration of Independence, where one of the grievances against the Crown was the fact that the Crown was requiring the colonists to go to distant points, to distant courts, before distant magistrates, far removed from the place where they kept their public records, the thought being that such a burden would be placed upon them, such a vexation would be placed upon the colonists that they would go ahead and observe the decrees and the orders. That caused Justice Black, together with other reasoning, to dissent from the majority opinion in the case of Katzenbach against South Carolina.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Founding Fathers inserted the due process clause in the fifth amendment to guarantee every litigant in any legal controversy in a Federal court the right to have a fair trial, which contemplated and necessarily included the right to have a fair opportunity to present the evidence in support of their cause?

Mr. ALLEN. Yes, sir; very definitely that was embodied in the thinking behind the due process clause. As the distinguished Senator has pointed out, the States alluded to as Southern States were deprived of that due process because they were held to be guilty by this triggering device without looking into the merits of the case at all—guilty without trial. That offends every principle of Anglo-Saxon justice, to deprive someone of life, liberty, or property without due process of law, but that is exactly what happened in this case.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the only way in which Chief Justice Warren was able to reach this fantastic conclusion in South Carolina against Katzenbach was that the Voting Rights Act of 1965 was not unconstitutional under the due process clause, because the due process clause does not protect the States?

Mr. ALLEN. As the junior Senator from Alabama stated to the distinguished senior Senator from North Carolina, he is unable to fathom or to rationalize the thought processes of the former Chief Justice of the United States and he does not know how that eminent jurist reached that conclusion. He got there by a method best known to himself, in the opinion of the junior Senator from Alabama.

Mr. ERVIN. The Senator from North Carolina would like to ask the Senator from Alabama whether Chief Justice Warren's conclusion that the equal protection clause does not protect the States in a right to a fair trial necessarily has to be extended to the public officials of the State which exercised the power of the States, and also to the people of the State who are deprived of the right to exercise their constitutional powers?

Mr. ALLEN. That is certainly true. As the Senator pointed out, the State is composed not only of the territorial limits, but the State government is composed of people residing therein; and this was taking their property, their rights, without due process of law. It certainly operated against the citizens of the respective States.

Mr. ERVIN. Does not the Senator from Alabama share the inability of the Senator from North Carolina to comprehend how any court can reach the conclusion that State officials and the people of the States are not persons within the meaning of the due process clause, which declares that a person shall not be deprived of his life, liberty, or property without due process of law?

Mr. ALLEN. I certainly do not understand why they were unable to observe that principle.

Mr. ERVIN. Does not the Senator from Alabama recall in the celebrated Dartmouth College case that Daniel Webster defined due process of law in substance as the law of the land, a law which proceeds upon inquiry and the rendering of judgment only after notice and a hearing?

Mr. ALLEN. I believe that was the definition of the distinguished Senator.

Mr. ERVIN. The Senator from North Carolina asks the Senator from Alabama that if the court was correct in holding in substance that the due process clause affords no protection to the States, no protection to the officers of the States, and no protection to the people of the States, then could not Congress also pass a law authorizing the Department of Justice to bring suit against a State, and to abolish the State and require that its case be decided solely upon the allegations of the Attorney General and that the State be denied any notice or any opportunity to be heard? Yet that would be a valid judgment abolishing a State.

Mr. ALLEN. That necessarily follows from the conclusion they reached in that case.

Mr. ERVIN. I want to thank the Senator from Alabama.

Mr. ALLEN. I thank the Senator from North Carolina for his outstanding contribution to the discussion of this iniquitous Voting Rights Act.

Mr. President, I commend again the distinguished senior Senator from Virginia for his contribution to this discussion. He said that this is another illustration of the application of the double standard, another illustration of the denial to the people of the South of the equal protection law, another illustration of applying one rule in the South and one rule outside the South.

He called attention to the statement from unexpected quarters here on the Senate floor, that when it was suggested desegregated policies of the Federal Government now being applied in the South be applied likewise in the North, that those comments or those protests from some of the Senators in the area to which these policies might be applied under such rule, made them sound like States' righters themselves. The distinguished Senator from Virginia stated that he was proud to be a States' righter.

Mr. President, I call attention to the fact that we hear a lot of discussion about the advisability of extending the Voting Rights Act of 1965 throughout the country. That is proposed by the President. I admire and applaud him for the position he takes in this matter, but I would like to call attention to the fact that we already have a Voting Rights Act applicable throughout the country, but it is just not being enforced anywhere except in the South by the automatic triggering device. The 17 other sections of the act, all of the sections except 4 and 5, apply throughout the country.

It is just that sections 4 and 5 say that the States that back in 1964—way back then—did not come up to a certain standard are guilty of discrimination.

The Attorney General can send in voting registrars to register anyone in Alabama, or anyone in the South, who is 21 years of age, whether he can read or write, or whether, I assume, he is mentally defective, as long as he is not confined in an institution. Federal registrars will come in and register the voters. They send down vote observers to be there at the time of the voting, to be in the voting place to observe the counting of the votes—all without any evidence whatsoever that the States have been guilty of any discrimination whatsoever.

As the distinguished Senator from North Carolina pointed out, they are adjudged to be guilty without a trial, without any due process of law, without any finding based on a hearing. They are guilty by a mathematical formula devised retrospectively to fit the situation they desire to cover.

All of the sections but sections 4 and 5 apply throughout the country, the difference being that in the other States of the Union outside of the South, they have to prove discrimination. They have to go in and prove discrimination in voting and in not allowing the free exercise of the franchise or the registration to vote.

Let us see what other sections of the Voting Rights Act of 1965 apply. Let us see what is provided by that act.

In the first place—and this is going to

be the law, irrespective of whether sections 4 and 5 are renewed prior to August 6, 1970, when they become inoperative—this would apply in the South. It would apply outside the South, even if the Scott amendment is rejected and the administration amendment, which is the House bill, is defeated in the effort to extend sections 4 and 5, and only those.

If all of those proposals are defeated, and the so-called act is supposedly to expire, the act will not expire. It is only sections 4 and 5. The remaining 17 sections are permanent law until repealed. Nobody is even suggesting repealing them, because they apply to everyone. And as has been brought out in the debate on the Senate floor, if they hit on a rule that sections outside of the South are willing to abide by, we will not have any protest from the people of the South—certainly not from the people of Alabama. That is all we want, equal protection of the law, and it is something we are not getting. And we resent it very deeply.

All of the sections but 4 and 5 will continue to apply no matter what happens to the Scott amendment or what happens to the administration bill or what happens to the simple extension of the act.

We will have a nationwide act, but it is going to take proof of guilt in the matter of discrimination before it can be triggered. We have an automatic trigger which hits the Southern States because of some formula that they hit on back in 1965 to date back to the South in 1964. And those States are held to be guilty, even though the States have long since passed the standard which was set in the 1965 act. Then, as to the rest of the country—and that would include the South—if sections 4 and 5 are allowed to expire, if they prove discrimination, they can in effect trigger all of the provisions of the act as to that particular State, if it is found to be guilty of discrimination. And that would apply everywhere.

So we will have a Voting Rights Act no matter what happens with reference to the Scott amendment, which certainly ought to be tabled or rejected, because it provides that same double standard, that same standard for the South, a punitive standard, a finding of guilt without a trial, and a different situation throughout the country which demands proof of guilt.

Why can we not have that same rule in Alabama or in the South? Why not require our people to be found to be guilty?

What does the automatic triggering, which would be continued under the amendment of the distinguished Senator from Pennsylvania, do? As I stated a moment ago, it provides that the Attorney General can send registrars to Southern States to register the lame, the halt, the blind, the mental defective, and register anyone that is 21 years of age. He can have election observers there to look over everyone's shoulder in the conduct of the election, the counting of the votes.

We are held to be guilty. We are declared to be discriminating against people automatically, because we did not come up to a predesignated formula of 1964.

So, by the formula that was set we had no opportunity to get out from under the automatic trigger by the performance of any act. One could tell by looking at the census figures, the registration figures, who was going to be covered and who was not going to be covered.

If all of the pending amendments and all of the pending bills are defeated—and I rather believe that is what ought to be done—it just leaves us where we are. We would have a National Voting Rights Act of 17 sections.

My preference would be to throw it all out the window. No one is being discriminated against in Alabama. No one is refused the right to register. And even though they send Federal registrars into Alabama to register everyone in sight and meet the people out in the street and register them there on the sidewalk, even after all of that effort, the regular registrars—and I have the exact figures in my office, but I did not know that I was going to make any remarks this afternoon—registered about three times as many voters in Alabama as did the Federal registrars, even though they were in the streets, herding people in to register to vote.

No one has any difficulty registering in Alabama.

I read the statistics into the RECORD. I am sure the distinguished Senator from Louisiana (Mr. LONG) whom I notice in the Chamber, will be interested in the fact that in the great State of Louisiana in 1968, the percentage of white registration was 87.9 percent and the percentage of nonwhite registration was 59.3 percent.

Yet because far back in 1964 they had just slightly under 50 percent registered, they are covered by the automatic trigger provision; whereas, now, by applying the same formula to 1968 they would be out from under the automatic trigger; but not the act for they would still be covered by the act. The whole country is covered.

It is not fair to say to the fine people of Louisiana, who have now gotten an overall registration of some 70 percent or 75 percent, that just because way back in 1964 they did not have as much as 50 percent, they will still come under that provision. I wish to say to the Senator from Louisiana that his State has done great wonders in registering people since 1964, but Louisiana is still going to be covered by this automatic trigger, and it is going to be found guilty of discrimination even though the very figures show they are not guilty of discrimination, by raising the percentage of voters from under 50 percent to approximately 75 percent overall.

So it shows that no reward and no consideration is given to the States that may have performed great wonders in registering every citizen in the State.

I might say that if every single person in one of these States involved, every single person white and black, 21 years of age or over, had been registered to vote since 1964, and if every single eligible person in that State had voted in the 1968 election, that is not going to help. They are still going to be held under the provisions of the act to be guilty automatically of discrimination, even though every single person in the State 21 years of age or over is registered to vote and did vote in 1968. They cannot purge themselves of this condition in which they were in 1964. Senators have heard of the expression "purge yourself of contempt" when a judge finds some person in contempt. That person is able to get out from under that sentence or order of court directed against him by purging himself of contempt, and doing what the judge said he needs to do to purge himself of that wrongdoing.

Assume for the sake of argument that the States involved, the seven Southern States, had been guilty of discrimination—and I say again that this mathematical formula agreed upon in advance certainly did not prove any discrimination—and the States rise from a registration of less than 50 percent up to 75 percent in 5 or 6 years. They have purged themselves of that charge, that automatic finding of discrimination by that excellent accomplishment on their part.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, let me see if I understand what the Senator is saying. At the time we were talking about this act back in 1965, seven States were singled out, as I recall. Louisiana was one of those States. The standards fixed at that time had to deal with the percentage of the minority race registered.

Mr. ALLEN. No. It had to do with the overall number of people. As the distinguished Senator will recall, it took the incidence of two circumstances: one, they had to have a literacy test or device that discouraged voting or registering; and two, they had to have fewer than 50 percent of their 21-year-old-and-over population registered. If they had the voting device, the literacy test, they had to have registered more than 50 percent, white or black—it does not say, and that is the irony of it. It does not protect the minority group at all.

To pose a hypothetical case, if the State of Louisiana had had the literacy test, which it did, or some device, as they call it, that was said to discourage voting, then if they had 50 percent of the 21 years of age and over people of Louisiana registered to vote, even though not a single one of those was of the minority group, then they were not subject to the automatic trigger.

Mr. LONG. Yes. Now, I recall that back at that time there were some places in which there was some discrimination against Negro registrants. I criticized that and I felt that where someone had discriminated against a Negro registrant one could justify the Federal Government doing something about it. But I contended it was not fair to impose Federal authority on the great number of people who had done nothing but encourage the Negroes to register and participate.

For the life of me today I would have to say I do not believe anyone in Louisiana is aware of any impediment to Negroes registering or any denial of equal rights under the law to Negroes.

Mr. ALLEN. I am sure that is true.

Mr. LONG. Also I note, according to the chart to which the Senator made reference, the number of Negroes registered increased by about 100 percent. There had been 31.6 percent registered prior to 1965 and in 1968 there were 59.3 percent registered.

Mr. ALLEN. Yes.

Mr. LONG. Even the whites, who have been voting much longer, had only 87.9 percent registered in 1968.

Mr. ALLEN. The Senator is correct.

Mr. LONG. Negro registration is gaining on white registration because more progress is being made, but no one is discouraging Negroes from registering. I understand the Senator to say we are still being punished by a legislative finding based on two facts in 1965.

Mr. ALLEN. The Senator is correct.

Mr. LONG. When they finish it will exist in 1968, 1969, and 1970.

Mr. ALLEN. The Senator is correct. I would like to say that when Louisiana was put under the provisions of the automatic triggering device, Louisiana was not put under that provision because of any actual finding of discrimination. Louisiana was put under that provision because they did not come up to the predesignated and prechosen formula that was devised for the purpose of getting Louisiana under the automatic provision. It was an automatic formula aimed at getting Louisiana under the act.

Mr. LONG. That is right. I recall that at the time it was as if it were said that the act shall apply to the following States: Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. I recall the then Senator from Virginia, Senator Harry Byrd, the father of our present distinguished Senator from Virginia, compared Virginia with Texas and demanded the right to know by what standard one could contend that Virginia should be covered by that law and not Texas. Let us face it; it was planned that way. There is no way under the sun the formula could have been figured out that would provide that Virginia would be covered by this law but not Texas, other than by starting out with a predetermined conclusion that Texas should not be covered in any event but that Virginia should be.

Mr. ALLEN. The Senator is exactly right. The junior Senator from Alabama understands, although he was not here at the time, there was reference to Southern States using devices to discourage voting. There are different kinds of devices, as the Senator knows. I say that those who are responsible for perpetuating these provisions of the 1965 Voting Rights Act used a device to get the States under it that they wanted under it.

The way they kept Texas out, as I stated, was that they required the concurrence of two facts: First, that they had to have a literacy test; and second, that they had to have fewer than 50 percent of the voting population registered or voting. They realized that Texas did not have a literacy test, even though it had only 44 percent of her 21-year-olds and over of the population registered. Texas was let out. I am glad Texas was. I am not critical of that, because I do not think any State should be put under this automatic trigger; to be adjudged guilty without some sort of hearing. That is why Texas was let out. Texas did not have a literacy test, and it required the concurrence of the two factors to accomplish that triggering action.

Mr. LONG. At the time that was worked out, Texas had a poll tax and we in Louisiana did not have one, and Texas had been more successful in keeping people away from voting by way of the poll tax than Louisiana had done.

Mr. ALLEN. That is right. Texas had only 44 percent of its citizens 21 years of age and older registered. I believe in Louisiana the figure was a shade under 50 percent.

The Scott amendment seeks to freeze this automatic trigger provided by sections 4 and 5 for another 5 years, no matter if a State registered every man, woman, and child in the State. If the State registered everybody, that State would not get out from this act because it is held to an accounting for the manufactured situation back in 1964.

Mr. LONG. May I say to the Senate that I cannot, for the life of me, understand why, if someone is interested in protecting the rights of citizens to vote, he would not want to assure that right to other citizens, even if they came from Texas or from New York or California. I see the distinguished Senator from California (Mr. CRANSTON) presiding. If any citizens are discriminated against and denied the right to vote, they ought to be permitted to register and vote if they are qualified.

I must say it seems a travesty to this Senator that certain persons are anxious to protect the rights of people in the States of other Senators, that they can muster the courage to vote to help achieve the right to vote for citizens in Alabama and Louisiana, but cannot help their own citizens to get the right to vote.

Mr. ALLEN. That is passing strange, I will say to the Senator from Louisiana.

I would like to call to the attention of the Senator from Louisiana that even if sections 4 and 5 of the act are allowed to expire—and I certainly hope they will be allowed to expire, and I would like to see the whole act thrown out, but even if sections 4 and 5 are allowed to expire—17 sections will still be left, because the Voting Rights Act of 1965 has 17 permanent sections applying, strange to say, to all 50 States of the Union. Only sections 4 and 5 apply to the seven Southern States.

What happens there is that by not complying with the manufactured formula, the coverage under the act is automatically frozen on the States involved and they are automatically found to be guilty of discrimination, enabling the Attorney General to send in voter registrars and election observers, and to provide that if the legislature of the great State of Louisiana wants to pass any laws changing its registration laws or changing the election or voting laws, it has to come hat in hand to Washington to get the approval of the Attorney General or of the district court here in Washington of any act that the sovereign State of Louisiana wants to adopt.

By automatically triggering the act, a State has to come here, hat in hand, and get their approval, and get them to say, "Well, we OK this. We do not believe it is designed to discriminate against people who want to vote." But that is not true of the rest of the country. As to them, it must first be proved in court that they are guilty of discrimination before the act applies. But we folks down South are just automatically guilty without a trial. Folks up North, under this act—I am not talking about my opinion; I am discussing the act itself—are innocent until proved guilty. In the South our fellows are guilty, and it takes us 5 years to prove we are innocent. We cannot even get absolved of guilt by proving we have not discriminated for 5 years. The act is not 5 years old yet, so we are not eligible to come in yet and try to get out from under the act. So we are not only found guilty, but we cannot prove our innocence for 5 years. That is what it boils down to.

I feel sure the Senator from Louisiana would feel that is un-American and a denial of due process of the law not just to the States, but to the people of the Southern States. We resent the double standard applied against us.

Mr. LONG. Is it correct to say that even though we have a higher percentage of our electorate, or even a higher percentage of our Negro citizens registered than would be the case in some of the other States, we are nevertheless guilty without trial?

Mr. ALLEN. That is right. I want the Senator from Illinois (Mr. PERCY) to hear this. Under the terms of the Scott amendment, every single black citizen 21 years of age and over in Louisiana can be registered and Louisiana would still not come out from under this act.

Mr. LONG. What the Senator is saying reminds me of some of the legislative history when this act went on the statute books. I was successful in having an amendment added to the bill so that when it could be established that in a county or parish a very high percentage of Negro citizens was registered and there had been no discrimination, they could go to the district court in the District of Columbia and ask that any Federal voting registrar there should be removed.

In that case I made my argument by showing a great number of southern counties where 100 percent of all the Negro citizens of voting age were registered. I made my argument on the basis that it was difficult to see how one could register more than 100 percent. If we did that, I would think someone would try to put somebody in jail. So we were successful in getting some small consideration for counties and parishes which had registered a very high percentage of Negro citizens.

Is there anything in the bill to take

into consideration the fact that a State or county within a State may have managed to register a very high percentage of Negro citizens?

Mr. ALLEN. No. As I stated to the Senator from Louisiana, no matter if every single person in Louisiana were registered, and even if every single person from 1965 until this time had been registered, Louisiana would not be out from under that act.

Mr. LONG. Well, I hope they would not try to get us to register more than 100 percent of our citizens, which would suggest that somebody was voting twice. That would not seem right, either. But it seems to me that, at a minimum, there should be some consideration for a State or county that had done what the Congress wanted us to do, or the county, if the county has done what Congress said they want us to do. If we did it, you would think they would give us some consideration, other than finding us guilty without a trial.

Mr. ALLEN. I agree with the distinguished Senator. I point out, speaking of registering more than 100 percent of the people, that yesterday the distinguished Senator from Nebraska (Mr. CURTIS) was talking about the direct election of the President of the United States, and he was opposed to it. He spoke of the fact that there might be fraud or corruption in elections; and, strange to say, he was not talking about any area down where we come from, but he was saying that the reason he liked the electoral college method of electing the President was because if there was fraud or corruption in any State, it would be insulated, and the vote in that particular State would not be thrown into the whole pool of popular votes. He said he liked that principle, and he made the comment that he did not want to see the election determined by tombstones in Chicago. What he meant by that I do not quite understand; perhaps the Senator from Louisiana may recall his comment on that.

But I do not believe that, down Alabama way or down Louisiana way, we register more than 100 percent of our people. But even if, as in the case posed by the distinguished Senator from Louisiana, you did register every one of them, you would not be out from under the provisions of the act.

I appreciate and thank the distinguished Senator from Louisiana for his contribution to the discussion.

I point out, as I suggested a moment ago, that even if sections 4 and 5 of the act are permitted to expire—and for that to happen, we are going to have to defeat the Scott amendment, defeat the administration proposal, and defeat the bill calling for the simple extension of the act for 5 years—we would still have a Voting Rights Act applying to all 50 States, and I want the distinguished Senator from Illinois to understand that if these sections are permitted to expire on August 6, 1970, we are going to have the Voting Rights Act of 1965 still in force and effect, applying to the whole country.

We hear a whole lot about that the President's proposal is so novel and so strange, that he would come out for a Voting Rights Act that applies throughout the country.

The perpetrators, or the planners, of the 1965 Voting Rights Act, made it apply to the whole country, but they did not find anyone guilty of discrimination unless they lived in these seven Southern States. So we are automatically guilty of discrimination, and they proceed against us without any proof of discrimination except a failure to comply with the 1964 manufactured formula, and on that basis, they are able to send voting registrars and election observers down into the South to register every person there over 21 years of age; and I assume over in Georgia they can register all those over 18 years of age.

If the legislature of any of those States wants to provide any change whatsoever in their election laws, they have got to come to Washington and get the approval of the Attorney General for that change, or, in the alternative, they can go to the Federal district court here in Washington and point out to the Attorney General or the district court that their proposed change does not discriminate against anyone on voting. They have got to prove it to them.

In the report to the House of Representatives when this bill was reported to the House by the Celler committee over there, they pointed out, in the minority report:

> The District Court for the District of Columbia already has a huge backlog of over 4,000 civil cases. With the median time of 28 months required from the time of filing an action in this court to the disposition after trial,[9] this provision of the committee-Celler bill will contribute to a long delay in the hearing of such cases. In the meantime, State voter qualifications and standards are suspended without relief. If such drastic effects must be visited upon the States involved, resolution of this class of cases should be handled expeditiously.

So they can look forward to a delay of some 28 months before they could even get a hearing.

This provision of the Voting Rights Act of 1965 shocked even Mr. Justice Black, who, I guess everyone will concede, is the leading activist member of the Court. It even shocked him to require, by this automatic trigger, that any change in the voting or registration laws in one of these States which had not been found guilty of discrimination except by a mathematical formula, nevertheless would mean they have got to come in to Washington on any change in the laws as to the States that were covered. That would be the case if all the States were covered, and the automatic trigger would hit only the Southern States, and the States outside the South would have to be found to be guilty of discrimination before this provision could be invoked.

That caused Mr. Justice Black, in the case of South Carolina against Katzenbach, to throw up his hands in horror at such a provision of the law. He said:

> Section 5—

That is the very thing we are talking about here, section 5 of the Voting Rights Act of 1965—

> Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others * * *.

Mr. President, I surely would like to transplant that language from this opinion over to some of the other opinions of that distinguished jurist, because I agree with his reasoning in this case. I just wish he had applied the same reasoning to some of the other opinions he has written.

Let me read that again:

> One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either to the States respectively, or to the people—

That sounds like a states' rights Democrat from the South talking—

> Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them * * *.
>
> I cannot help but believe that the inevitable effects of any such law which forces any one of the States to entreat Federal authorities in far-away places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces—

Amen, as the Senator from North Carolina would say if he were here—

> and if one law concerning voting can make the States plead for this approval by a distant Federal court or the U.S. Attorney General, other laws on different subjects can force the States to seek the advance approval not only of the Attorney General but of the President himself or any other chosen members of his staff.

So Mr. Justice Black, in dissenting from this opinion upholding the Voting Rights Act of 1965, said that he could not go this. It just went too far. It disregarded our whole scheme of our federal system, our division of power between the States and the Federal Government, the fact that the Constitution is a grant of power by the States to the Federal Government and that under the 10th amendment all powers not ceded to the Federal Government are reserved to the States, respectively, or to the people.

So this would destroy the federal system. And if they have to come to Washington for approval of one statute, they could be made to come to Washington for approval of any statute. So that the National Government would have a veto power, following it out to its logical conclusion, as suggested by Mr. Justice Black. The Federal Government, under that conclusion, could arrogate unto itself the power to veto any act of a State legislature.

I do not believe that any Member of the Senate is willing to go quite that far. Some of us possibly believe more in States rights than others, but I do not believe that any Senator would be willing to see this procedure followed to its logical conclusion of allowing the Federal Government to veto a State enactment.

I see the distinguished Senator from North Carolina (Mr. ERVIN) in the Chamber. A moment ago I read as follows from the dissenting opinion of Mr. Justice Black in the case of South Carolina against Katzenbach:

Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to approve their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. One of the most basic premises upon which our structure of government was founded was that the Federal Government was to have certain specific and limited powers and no others, and all other power was to be reserved either to the States respectively, or to the people. Certainly if all the provisions of our Constitution which limit the power of the Federal Government and reserve other power to the States are to mean anything, they mean at least that the States have power to pass laws and amend their constitutions without first sending their officials hundreds of miles away to beg Federal authorities to approve them * * *.

I stated that I wished we were able to substitute this language and this line of reasoning, which the distinguished justice has outlined in this dissenting opinion, for some of the other opinions of the Supreme Court and possibly some that the Justice, himself, wrote.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Is not the practical effect of the Voting Rights Act of 1965 in operation this: That the States may exercise the powers reserved to them by the 10th amendment to the Constitution of the United States provided the exercise of those powers is satisfactory to the Attorney General of the United States or to a three-judge Federal district court sitting in the District of Columbia?

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. Even the eminent Mr. Justice Black stated that following the line of reasoning of the Court on section 5 to its logical conclusion would arrive at the proposition that the Federal Government could demand approval by it of any enactment of a State legislature. The Federal Government would have the veto power. I think it necessarily follows from the language of the Justice.

Mr. ERVIN. Does the Senator know of any other statute that has been passed by Congress or by the legislature of any of the 50 States that precludes a legislative body from making a statute conforming to the Constitution of the United States and the constitution of the State effective without first getting prior consent of the judiciary branch of the Federal Government?

Mr. ALLEN. I do not know of any such provision.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it always has been the policy of this country that the act of a State legislature goes into effect immediately upon its enactment or the date that the legislation specifies and that if anyone claims that the act is unconstitutional, he must challenge its validity in the courts?

Mr. ALLEN. Yes, that certainly is a basic principle of our law.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that this reverses the tradition in this country and the practice in this country in that respect? It raises the presumption that the act of a State legislature, even though it is adopted in the full exercise of its constitutional powers and even though it is perfectly in harmony with the Constitution, is invalid until either the Attorney General or the district court of the District of Columbia says to the contrary.

Mr. ALLEN. That is exactly the provision of Section 5.

Mr. ERVIN. Is the Senator from Alabama familiar with the doctrine of the separation of powers, both with respect to the relationship between the Federal Government and the States and the relationship between the several branches of the Federal Government?

Mr. ALLEN. Yes, I am familiar with the doctrine of separation of powers but I see that doctrine being eroded all the time by our Federal Government. I see it being eroded by the judiciary taking over the prerogatives of the legislative branch. I see it being eroded by the executive taking over the powers of the legislative branch. I see it certainly being taken over in the Voting Rights Act of 1965.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that so far as the Senator from North Carolina has been able to ascertain no one charges the State of North Carolina or any of the 39 counties covered by this act with having discriminated against anybody in recent years in the right to register and vote on account of race?

Mr. ALLEN. I am sure that what the distignuished Senator from North Carolina says is the absolute truth in the matter.

I noted also, as the distinguished Senator from Virginia (Mr. BYRD) pointed out, that there has not been one single complaint of discrimination in the great State of Virginia and that there has not been one single Federal registrar or election observer sent into Virginia, because there is no need for them. There has been no discrimination there. Yet the 1965 Voting Rights Act convicted Virginia of discrimination automatically because Virginia did not comply with a manufactured, predesignated formula that was prepared for the express purpose of putting Virginia, North Carolina, Alabama, and the other Southern States under the automatic triggering provision of the Voting Rights Act of 1965.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina honestly believes that the renewal of this act would have no impact whatever upon North Carolina, simply because virtually all the people of North Carolina, both white and black, are able to read and write the English language?

Mr. ALLEN. Yes; I accept that statement with full assurance that it is correct.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina opposes the extension of this act because the extension of the act by the Senate of the United States would show that the Senate of the United States has less respect for the constitutional and legal standing of the people of North Carolina than it has for the constitutional and legal standing of crap shooters, pimps, and prostitutes?

Mr. ALLEN. I would certainly accept any statement made by the Senator from North Carolina as being absolutely correct. I would also accept his opinion of the law on any constitutional question before I would the opinion of the Justices of the Supreme Court, the only trouble being that the Senator from North Carolina is in the Senate rather than on the Supreme Court of the United States, where I would like to see him as well, though the Nation is fortunate also to have him in the Senate.

Mr. TYDINGS. Mr. President, will the Senator from Alabama yield on that point?

The PRESIDING OFFICER (Mr BELLMON in the chair). Does the Senator from Alabama yield to the Senator from Maryland?

Mr. ALLEN. I am happy to yield to the Senator from Maryland.

Mr. TYDINGS. Does not the Senator from Alabama think that the Senator from North Carolina would make an outstanding justice of the Supreme Court?

Mr. ALLEN. I think he would. I think he would be approved unanimously by the Senate. I would endorse him and, in doing so, hope that it would not hurt him.

Mr. TYDINGS. In my remarks in the Judiciary Committee report in opposition to the present nominee of the President, I say how highly desirable the Senator from North Carolina would be. He is among many of the distinguished jurists, lawyers, and advocates of the Old Confederacy of the South, so to speak, who are members of the strict constructionist philosophy, who are conservative, but are men of basic fairness and erudition whose legal standing would not be questioned.

I was delighted to hear the Senator from Alabama make reference to the obvious qualifications of the distinguished Senator from North Carolina.

As a matter of fact, this was an issue brought up in the Judiciary Committee on a number of occasions; namely, the qualifications of the Senator from North Carolina.

I was, as all my colleagues were, rather distressed when the distinguished Senator from North Carolina advised us

that he did not think he would take the job if it were offered to him. The Senator from North Carolina will recall some of our conversations within the Judiciary Committee. We all have great respect for his ability, even if we cannot agree with him as thoroughly as the Senator from Alabama does.

It is always an experience and a treat to engage in debate with the Senator from North Carolina. I think that one of the more educational aspects of debating with the Senator from North Carolina is the great facility he has for making a telling point by the recollection of an anecdote or a story from his broad experience as a practitioner before the courts, as a trial judge and, indeed, as an associate justice of the Supreme Court of North Carolina.

Mr. President, I would hope that some day, an historian of the Senate would make a compilation of "Ervin Anecdotes," so to speak, which would put together all the stories he has told in debate on the floor of the Senate during his years of service here.

My only problem is, I enjoy them so much at the time, that later I cannot recall them when I need them.

Having said that, I will now yield the floor.

Mr. ERVIN. Mr. President, I should like to ask unanimous consent that the able and distinguished junior Senator from Alabama (Mr. ALLEN) be permitted to yield to me for an observation, without losing his privilege of the floor.

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

Mr. ERVIN. Mr. President, I wish to assure my good friends, the junior Senator from Alabama and the senior Senator from Maryland, that I do not expect such nice things will be said about me at my funeral service as those which have just been said about me on the floor of the Senate.

I would also like to say that I do not exactly accept the designation of being a strict constructionist of the Constitution.

My position on the Constitution is that every provision of the Constitution which confers a power, or grants a power to the Federal Government, or makes a reservation of power to a State, should be interpreted in the most liberal manner to affect that granting of power, but that no grant of power should be inserted in the Constitution, and no reservation of power should be inserted in the Constitution, by usurpation.

I agree perfectly with what George Washington, who was President of the Constitutional Convention of 1787, said in his Farewell Address to the American people, that the Constitution should never be changed by usurpation, that it should always be changed by an amendment as provided in article V.

I believe that this course should be pursued, because usurpation is the customary weapon by which a free government is destroyed.

Free government in the United States today is being destroyed by the Congress and the Supreme Court of the United States usurping the power to amend the Constitution of the United States.

Mr. President, I know of no better illustration to show the truth of what I have just said, than the Voting Rights Act of 1965 and the proposal to extend it.

Now, with reference to my appointment as a Justice of the Supreme Court of the United States, if any President were foolish enough to make such an appointment, it would not take effect for two reasons:

The first I illustrate by a statement I heard in North Carolina between Tom Rollins of Asheville, N.C., and my father in the 1920's, when a vacancy occurred in the U.S. Court of Appeals for the Fourth Circuit. That is the circuit which compromises my State and the State of the distinguished Senator from Maryland. Tom Rollins and my father and I had a lawsuit together and we had met to prepare the case for trial.

My father said to Tom, "Tom, I have read about the suggestion to nominate you to fill the vacancy on the U.S. court of appeals for this circuit. If you are interested in receiving the appointment, I will be delighted to undertake to get endorsements from the bar in your behalf."

Tom thanked my father and said, "I will not let you do that. I had a friend down in Alabama many years ago who was practicing law and he had a good, fine clientele and was enjoying the respect of the people that knew him; but he was so foolish as to accede to the request of his friends that they be permitted to nominate him for an appointment to a Federal judgeship. He said that the recommendations of his friends received favorable action from the President, who announced at a press conference that he was going to appoint this friend of mine to a Federal judgeship."

He said, "The next day my friend vanished. And he has never been heard of since. The only clue they had to the cause of his disappearance was the fact that the day that he disappeared, and just a few moments before he disappeared, he received a telegram reading as follows: 'All is discovered. Flee at once.'"

If the President were to offer me an appointment to the Supreme Court of the United States, knowing the charges that would be made—some valid and some invalid—against me, I would follow the example of the Alabama lawyer and I would flee at once.

In the second place, the Constitution of the United States provides in effect that any Member of Congress who has voted to increase the emoluments of some public officer for other than the office which he occupies is ineligible for appointment to the Supreme Court of the United States.

And I think that is a pretty good constitutional principle for anyone to follow under any circumstances, even though in times past it has not been followed by some of those Senators who later became occupants of the Supreme Court.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield?

Mr. ERVIN. The Senator from Alabama has the floor.

Mr. BYRD of West Virginia. Mr. President, under the unanimous consent order the able Senator from North Carolina has the floor.

Mr. ERVIN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Mr. President, the Constitution does not indeed say that a Member of Congress cannot be appointed to any civil office, the emoluments of which he voted to increase. It says that the Member of Congress cannot be appointed to any civil office, the emoluments of which have been increased during his term of office. So it makes no difference as to how the Member of Congress may have voted.

Mr. ERVIN. The Senator from West Virginia, who is—I will not say a strict constructionist—a liberal constructionist of the Constitution is right in this instance, as he always is when he undertakes to point out a precise statement in the Constitution.

Mr. BYRD of West Virginia. I thank the illustrious Senator, who is, without a doubt, the greatest constitutional lawyer in this body.

Mr. ALLEN. Mr. President, I appreciate the contribution made by my distinguished friend, the able senior Senator from North Carolina. And I appreciate, too, the comments made by the very able and distinguished senior Senator from Maryland (Mr. TYDINGS). I am delighted that he shares the high regard that the junior Senator from Alabama has regarding the constitutional authority and ability of the distinguished Senator from North Carolina.

I should like to say to the distinguished Senator from Maryland that the junior Senator from Alabama is going to follow the recommendation of the Senator from North Carolina in voting on the extension or nonextension of sections 4 and 5 of the Voting Rights Act of 1965 as being unconstitutional. And I do hope that the distinguished senior Senator from Maryland will follow the suggestion and the opinion of the distinguished Senator from North Carolina.

The Senator from North Carolina mentioned the fact that 39 of his counties are covered by the automatic triggering device of the 1965 Voting Rights Act, I would surmise from this that these counties had fewer than 50 percent of voting-age population registered or voting even though North Carolina as a whole had more than 50 percent. This triggered the act as to those 39 counties.

Mr. President, I have some other remarks to make with regard to the pending bill. I know that the membership of the Senate, which has turned out in great force today to hear this discussion, is anxious to hear these remarks. However, I see the distinguished Senator from Texas in the Chamber. And I know that he wishes to speak with respect to the bill or a phase of the bill.

Mr. President, I ask unanimous consent that I might yield to the Senator from Texas (Mr. TOWER) without losing my right to the floor at the conclusion of his remarks.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, a matter of the most grave concern is currently before us here in the Senate. We are poised to decide whether or not the Nation shall meet its obligation to guarantee to its citizens the right to vote and make certain that one part of the Nation is not discriminated against on the basis of outmoded criteria. In the nearly 5 years that have passed since the 1965 Voting Rights Act, more than 800,000 new voters have been registered in the area of the Nation covered by the act. In addition, more than 50 percent of the minority group voters in those areas are now registered to vote. This is a higher figure than that for minority group members in many sections of the country not covered by the act. In addition, more than 400 members of minority groups have been elected to State and local offices in the areas covered by the act. I believe that this shows the good faith effort that has been made.

These figures point up the fact that the act has achieved its goals and that vindictive legislation is no longer necessary. In my opinion, it never was. In fact, the right to vote is more secure in the areas covered under the act than in many areas excluded from its coverage. In order to secure the blessings of Federal protection, it is necessary to extend the coverage of the act to all areas and to eliminate the most oppressive and undemocratic aspects of the old act.

One needed change, Mr. President, is the provision of H.R. 4249 which would amend section 5 of the Voting Rights Act of 1965. Briefly stated, section 5 now forbids covered States and counties from instituting changes in their voting laws unless the proposed change is consented to by the Attorney General or is approved by the U.S. District Court for the District of Columbia.

Experience has shown that, while section 5 imposes a considerable burden upon those who are subject to it, this particular provision of the 1965 act has been of limited effectiveness. Some 430 laws have been submitted to the Department of Justice pursuant to section 5. Of those, only 22 have been found by the Department to be objectionable. Furthermore, the laws which are submitted deal with a wide range of subjects—for example, changes of municipal boundaries, alteration of requirements for candidacy and relocation of polling places. Under the statute, Department of Justice personnel have 60 days in which to determine whether a submission has discriminatory purpose or will have discriminatory effect. Obviously, in most cases, it is difficult, within that period of time, to make the requisite determination, unless the responsible persons have a detailed knowledge of conditions in the locality.

H.R. 4249 would eliminate the cumbersome "Pre-clearance" process and would restore a proper balance between the executive branch and the courts, and between the Federal Government and State and local governments. This bill would authorize the Attorney General to seek injunctive relief, including preliminary relief, against any voting law or practice which he finds to have discriminatory purpose or effect. This measure would constitute an adequate safeguard against State and local enactments which interfere with 15th amendment rights. At the same time, the bill would place the adjudicating function in the courts, where it properly belongs.

In conclusion, Mr. President, I support the administration's efforts to secure the right to vote for all Americans in all sections of the country. In 1970, conditions are different than they might have been in 1965. I would prefer that the prerogative of guaranteeing the right to vote be left with the several States, for the Constitution makes them primarily responsible for this action. However, the Congress has stated that it wishes to make at least minimal guarantees on the national level. Mr. President, if we are really devoted to making these guarantees, then we must extend the reformed Federal coverage to all the States of the Nation and not confine our activities to only a few. It may be easier to vote for legislation that will not affect our States—my own State of Texas is virtually exempt from voting rights coverage under the present formula—but this is by far not the best way to legislate. Voting rights must be guaranteed by the Federal Government to all the States, if they are going to be guaranteed in any one of them.

I shall vote for fair treatment and for H.R. 4249. The administration should be complimented for its desire not to perpetuate injustice while at the same time assuring that everyone in the Nation has a chance to secure to himself the most precious possession in a democratic government: The right to vote.

Mr. President, my own State of Texas is not included in the coverage of the present act. Therefore, I am, in effect, asking that the provisions of the voting rights legislation be extended to any State which is not now encumbered with it. I think it manifestly unjust that my State be excluded when another State is included.

I might note that there are various forms of voting rights abuse other than discrimination on the basis of race or color, and that these abuses exist in far greater and more intense proportions outside the States covered than they do in the States that are covered by the Voting Rights Act of 1965.

I do not think the authorities in Cook County, Ill., could be too happy about some of the things that have gone on there; and I am sure the same is true in Duval County and Jim Wells County in Texas. As a matter of fact, they wrote the book on abuse of voting rights in those areas.

Therefore, I hope we will be fair and give fair treatment.

I thank the Senator for yielding.

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

Mr. TOWER. I yield.

Mr. ALLEN. Mr. President, the Senator has been discussing, I believe, the administration bill, which would apply the Voting Rights Act throughout the country. I certainly applaud the Senator's position in this matter; and I applaud the President's fairness and his statesmanship in advocating the extension of the coverage of the act throughout the country.

I would like to ask the distinguished Senator from Texas if it is not a fact, however, that if the Scott amendment is defeated, if the administration bill is defeated, if the simple 5-year extension of the bill is defeated, and if sections 4 and 5 are allowed to expire, we would have 17 sections of the Voting Rights Act of 1965 still applicable throughout the 50 States of the Union?

Mr. TOWER. That is my understanding.

Mr. ALLEN. That would give us, then, a Voting Rights Act, so that really it is not necessary to have the administration bill—just defeat them all would accomplish the same purpose, would it not?

Mr. TOWER. I think what the Senator from Alabama says is correct, but I happen to be a pragmatist and we must think in terms of being able to strike a compromise, which I think the administration bill is.

Mr. ALLEN. Actually, then, it is not a novel suggestion on the part of the President to have a nationwide application of the Voting Rights Act.

Mr. TOWER. It certainly is not a novel idea on the part of the President or anyone else. Much of the substance of the administration bill was part of the Ford-McCulloch substitute offered in the House at the time the 1965 act was enacted. As a matter of fact, I offered the same measure as a substitute in the Senate. It was defeated here, as it was in the House, and we have the present act. Really, this is not a new idea to make that general law applicable and fair to everyone because this concept was embodied in the substitute offered in 1965 and which was defeated.

Mr. ALLEN. Is it not a fact that the only difference in the application of the Voting Rights Act is under sections 4 and 5? The States, and the people of those States, covered by this formula are automatically found to be guilty of discrimination, whereas, under the other 17 sections of the act it takes proof of discrimination to prove their guilt?

Mr. TOWER. That is correct, on the premise that discrimination has been found to exist in those particular States. Therefore, they were presumed to be guilty until proven innocent. I think this flies in the teeth of our Anglo-Saxon concept of our law of right.

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

Mr. ALLEN. Mr. President, the Senator from Texas has the floor. I had yielded to him.

Mr. TOWER. I have completed my remarks.

Mr. ALLEN. Does the Senator from Indiana wish me to yield to him so that he may ask a question?

Mr. BAYH. If the Senator from Texas has completed his remarks, I ask that the Senator recognize me briefly.

Mr. ALLEN. Mr. President, I call attention to the fact that I have the floor after the Senator from Texas has concluded.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. BAYH. Mr. President, will the Senator from Alabama yield to me for an observation?

Mr. ALLEN. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I listened with a great deal of interest to the comment of the Senator from Alabama. I recognize that he and I differ with respect to whether we should have an extension of the Voting Rights Act. However, I must say I concur in his judgment that the enforcement provision of the measure passed by the House is; in my judgment, just a subterfuge; it adds nothing. The provision contained in the 1957 Civil Rights Act, plus those contained in sections 2 and 12(d) of the act we are presently discussing, the 1965 act, give the Attorney General the power in all States that the administration would give under the subterfuge of new legislation.

I have a rather detailed speech that I shall make at the appropriate time dealing with this very question. It seems to me we have to ask ourselves whether section 5 is needed or not. The Senator from Alabama does not think it is. The Senator from Indiana happens to think it is. I shall present my reasoning for believing this, but I think the Senator from Alabama is absolutely accurate in saying that we are going through a charade here to suggest that the provisions of the bill passed in the House add anything new relative to enforcement.

We deal with the residency limitation, as in H.R. 4249. We deal with literacy tests, nationwide, as in H.R. 4249. The distinguished Senator from Pennsylvania deals with these in his substitute, which I gladly support. But the important thing in this whole business is whether section 5 is needed, and that is provided by extension of the 1965 act. That is why I think the Scott-Hart proposal is vital.

The Senator from Alabama, I think, wipes away a lot of the veneer and gets down to the nitty-gritty. I compliment him for putting it in perspective.

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

Mr. ALLEN. Let me answer first. I appreciate the remark of my good friend the distinguished Senator from Indiana, but I believe the Senator from Indiana is putting words in the mouth of the Senator from Alabama that he did not utter, two of those words being that the administration's action was a "subterfuge" and that it was a "charade." On the contrary, the Senator from Alabama congratulated the Senator from Texas and the President on their fairness and statesmanship in proposing a bill which applies throughout the entire country.

I would say further to the distinguished Senator from Indiana that he does not need to be for the Scott amendment, which proposes to extend for another 5 years this discriminatory and unfair and vicious condemnation of the Southern States, in order to get a bill applicable throughout the country, because if sections 4 and 5 of the Voting Rights Act of 1965 were allowed to expire—and that could be done by the defeat of the Scott amendment, by the defeat of the House bill, by the defeat of the simple extension of the bill—then we would have 17 sections of the 1965 Voting Rights Act applicable throughout the country. But the difference would be that the Southern people would have to be found to be guilty of discrimination, just as the people of the North would have to be found to be guilty of discrimination, before the provisions of the act were triggered; whereas under the present system, the act is triggered by the existence of the unfair formula dating back to 1964.

I am surprised to hear that my good friend the Senator from Indiana, who has always been fair and has always been anxious to get at the heart of these problems and vote in a statesmanlike fashion, I am sure, according to the dictates of his conscience, does not feel it is not right and proper to impose this on the people of Alabama and the South. I know that he likes the people of Alabama, because he visited the great State of Alabama when one of our counties was taken over by the electorate, by the black citizens of Greene County. He showed his respect for our State by coming down and visiting our county when the black officials elected in Greene County, Ala., took over that county government.

To say that we in Alabama and the South discriminate against any person for any reason in allowing him to exercise his franchise is certainly far from being the case.

So I know that the distinguished Senator from Indiana, loving the people of my State as he does, would not like to see them branded under this automatic trigger, as provided by sections 4 and 5, of discriminating against anybody in the exercise of his franchise. If a formula had been set in 1965 based on conditions in 1964, and there had been a great change in that time, and if the registration in some of the Southern States had increased far beyond the standard set in 1965, I know he would be willing to see this automatic trigger provision allowed to expire so that the people of Alabama and the South could be put on the same basis as people throughout the country, and that we would not have two standards, and that the people of Alabama and the South would have the equal protection of our laws.

I know he would want to see that, and I know that he believes in fair play and that he would like to see sections 4 and 5 expire so that the remaining 17 sections could apply throughout the country, and we would not be branded as being guilty of discrimination unless we were actually found to be guilty of discrimination. I know the Senator from Indiana does not want to allow a State to be branded as being guilty of resorting to discrimination without some proof of it. I feel sure the Senator from Indiana, at the proper time, will so express himself on the floor of the Senate.

Mr. BAYH. Mr. President, will the Senator yield to permit me to respond to his eloquence?

Mr. ALLEN. I yield to the distinguished Senator.

Mr. BAYH. I appreciate the compliment that my friend from Alabama has paid me, and I want to apologize if I put words in his mouth. That is very unfair, and it is not good hygiene. I did not intend to attribute to him the "charade" and the "subterfuge" language. Neverthless, I think it is accurate. Those are the words of the Senator from Indiana.

What I was trying to say and think I did say, although perhaps we lost sight of it, was that I agreed with the Senator from Alabama when he asked questions of the Senator from Texas. His questions led me to believe that it was the opinion of the Senator from Alabama that we would still have adequate voting rights legislation if this measure were defeated.

I concur that we will have on the books all of these sections that the Senator from Alabama referred to, plus the provisions of the 1957 Civil Rights Act. The real question is whether sections 4 and 5—with particular emphasis on section 5—are important to see to it that the people in the particular area covered get a chance to vote.

I appreciate the fact that the Senator from Alabama suggested that I have compassion for the citizens of his State. I do.

I think it is most unfortunate that we have permitted—and I suppose to a certain extent we are all guilty—this to be directed in such a way that it seems to be an indictment of all the people of one State or another, or of a certain region. But what I would like to have a chance to point out at a later opportunity, and in some detail, is that in my judgment unfortunate practices are being followed by a few either unscrupulous or thoughtless people in the States involved. These practices, I feel, reflect unfairly on the masses of the people of the State involved. There is only one way in which the people who live in those areas can be protected from this type of unfortunate activity.

I think that the Senator from Alabama, in referring to the Greene County incident, struck on one of those unfortunate incidents. It is one of the reasons why I accepted the invitation of the elected officials of Greene County to go into the State of the distinguished Senator from Alabama.

It just seems to me that when there are officials who leave the names of black candidates off the ballots, this indicates that there has not been the kind of change in that particular area, so far as those particular public officials are concerned, that I would like to see and that the distinguished junior Senator from Alabama would like to see. Perhaps he does not agree that that is going on. I know him well enough to believe that he would not be any part of a program to deny access to the ballot merely because people's faces happen to be black. Yet that is exactly what happened in Greene County.

It seems to me that if we are going to open up the system and let everybody

have an opportunity to participate, so that no one is on the outside, we must take the steps necessary to see to it that the ballot is protected for everybody.

I appreciate the opportunity to express these views. We are not going to change each other's mind, but we are going to try to appreciate each other's position.

I appreciate the tolerance of the Senator from Alabama. I thank him for yielding.

Mr. ALLEN. Discussing further the fairness and compassion of the distinguished Senator from Alabama with respect to the bill and the people involved, when we say that Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia are involved with the automatic trigger, and the vicious device that the automatic trigger applies against these States, we are talking about the people of the States—not merely the States, not merely the State governments, not merely the territorial boundaries of the States, not merely the land of the States, but the people of Alabama and the other Southern States.

It is an indictment against the whole people. I believe it was Edmund Burke who said you cannot indict a whole people; but that is what the Senator from Indiana would do when he says that the automatic triggering device set by the 1965 Voting Rights Act should be continued, and that it should have been put in, in the first place, without any trial, without any hearing, by agreeing upon a mathematical formula with a target set out and designated and agreed upon in advance, so as to accomplish a desired result, to automatically say that those people are guilty of discrimination because they do not live up to a mathematical formula fixed back in 1964, and no matter how much they may have changed with respect to the registration of citizens of that State, that we are still going to follow that same formula; we are still going to say that just because, by this mathematical formula set back in 1964, they were presumed to be guilty of discrimination, that they are still guilty of discrimination.

I call the attention of the distinguished Senator from Indiana to the fact that in the spring and summer of 1968—and I rather imagine there have been a whole lot of people registered since then—the voting strength of nonwhites in the State of Alabama increased from 19.3 percent of those eligible to register up to 56.7 percent. We have come up to the formula. We have come up to the standard which was set back in 1964. We have complied with that standard.

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

Mr. ALLEN. I yield.

Mr. BAYH. Would the Senator from Alabama repeat the dates to which he has referred?

Mr. ALLEN. Yes. Prior to the Voting Rights Act of 1965, the percentage of nonwhite registration in Alabama was 19.3 percent, and it had increased, by the spring and summer of 1968, to 56.7 percent. The Voting Rights Act of 1965 required only a 50 percent registration; so I point out to the Senator from Indiana that we have come up to the standard that they said the Southern States should come up to. We have complied with that.

Mr. BAYH. Will the Senator yield?

Mr. ALLEN. Let me finish this thought.

According to the argument of the Senator from Indiana, and the formula that he espouses, even though, in the State of Alabama and the other Southern States, every single eligible person in those States had been registered and voted in the 1968 election, the extension bill of the distinguished Senator from Pennsylvania would say that "We find that the people of Alabama, on account of the condition that existed there in 1964, are still guilty of discrimination in registering voters." Even though every single person in that State eligible to register had been registered, it does not make one single bit of difference, under this formula.

Now I yield to the distinguished Senator from Indiana.

Mr. BAYH. I appreciate the Senator from Alabama stating for us the improvements that have been made through 1965, 1966, 1967, and on into 1968. I wonder if the Senator from Alabama feels that it would be a fair assessment to suggest that the passage of the 1965 Voting Rights Act had something to do with this marked increase in registration.

Mr. ALLEN. I am glad the distinguished Senator asked me that question. The Attorney General did send into the sovereign State of Alabama voting registrars, who met people on the sidewalks, who went out into the highways and byways, and registered anybody who was 21 years of age—the lame, the halt, the blind, the illiterate—and still the regular, duly constituted registrars in the State of Alabama registered more than three times the number registered by the Federal registrars.

I feel that this is the answer to the question of the distinguished Senator from Indiana. There is no discrimination in Alabama, and we resent the fact that an effort is being made to say that automatically, without a hearing, our people are guilty of discrimination.

If we allow sections 4 and 5 of the Voting Rights Act to expire, we will have, as the Senator from Indiana has said, a Voting Rights Act applicable to all 50 States, and if anyone in Alabama or the South, or the great State of Indiana, is guilty of discrimination, if they are trying to hinder or prevent people from registering or voting, or if they are trying to have corrupt elections, then it is possible for the Attorney General to go into court and invoke the provisions of the Voting Rights Act of 1965.

But the difference is—and I think the Senator from Indiana, in his fairness, should realize this—that under the present law and under the extension provided by the Scott amendment, those provisions are automatically invoked as to the Southern States, and are invoked as against all States outside of the South only on proof of guilt. But he is wronging the people of Alabama; he is indicting the people of Alabama of discrimination and unfair practices without a hearing, whereas he demands a hearing for the State of Indiana.

They could have all sorts of improper practices, all sorts of discrimination, all sorts of prevention of people from voting there, and it would take proof of those acts before the 17 sections of the Voting Rights Act could be invoked. But without any proof of discrimination, just because in 1964 a certain set of facts existed, according to a predetermined formula, they are going to continue to say that they find that we are guilty of discrimination in Alabama and the South, but in the other parts of the Nation they are not.

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

Mr. ALLEN. In just a moment.

This is another example of the double standards that are being applied in this country to our section of the country. We want and expect, but have not been receiving, the equal protection of our laws.

As I said earlier, if the Senator will agree on what he is willing to abide by in Indiana, we will abide by it in Alabama. But give us the same rule as that in Indiana. Prove that we are guilty of wrongdoing. Do not bring up some mathematical formula and say, "Because back in 1964 you did not comply with this, therefore, you are still guilty, whereas you have to show that I am guilty in Indiana."

Do not apply that kind of standard to us. If the Senator decides what he is willing to abide by, we will abide by it, too. I am perfectly willing to allow sections 4 and 5 of the Voting Rights Act to expire and live under the remaining provisions of it, just as the Senator from Indiana would be required to do. The same rule would apply in Indiana and in Alabama. We can live with it if the Senator can.

I yield to the distinguished Senator, provided I do not lose my right to the floor.

Mr. BAYH. I appreciate my friend the Senator from Alabama yielding to me again.

I do not want to keep interrupting, but I want the RECORD to show that my concern about voting rights is not an effort to indict the people of Alabama or of the other States involved. I have great compassion for them. But I have absolutely no tolerance for the few conniving individuals who will use any scheme, any subterfuge, to deny people the right to vote.

What we can do to get at these public officials I do not know, except to say that they are violating the law. We have given them 4 years now, and they have not changed their ways in many communities. I think it is a source of embarrassment to the people living in these communities. But we have not been able to change sufficiently the course of conduct which led to the enactment of the 1965 act.

Although the Senator from Alabama suggests that the Alabama registration effort was really responsible for the increase from 19.3 percent to 56.7 percent in that 4-year period, I would respectfully suggest that a reasonable interpre-

tation could be made, by men of good faith, that the reason why the Alabama registrars were so active was that they had no alternative because of the provisions of the act. I do not think it was a sudden change of heart that saw, in that 4-year period, the registration of a million black voters. I do not think that just came about by accident. I think there is a direct relationship between the passage of the Voting Rights Act of 1965 and the fact that now a million black American citizens have the right to vote who did not have the right before.

Does the Senator from Alabama have any figures that we could use to show the type of registration effort that went on in Alabama from 1960 to 1964, before the Voting Rights Act of 1965 was passed, so that we can get some relationship between voluntary State action from 1960 to 1964 and the action that the Senator from Alabama feels was voluntary from 1964 to 1968?

Mr. ALLEN. No; I do not have any figures on that. All I can say to the distinguished Senator from Indiana is based on observation of our Democratic primary there. I might say at this time, parenthetically, that we have the greatest vote in our primary. Yet, the Voting Rights Act of 1965 confined us to the November election. We cannot make them turn out and vote.

I think the Senator from Indiana would possibly like the thought that the Democrats there in the general election have not been given too much trouble by the Republicans, so the Democrats do not turn out. But it gives a rather false figure in the general election.

I say to the distinguished Senator from Indiana, in answer to his question as to the increase in registration, that the number of votes cast in each general election for Governor, which is the big race in Alabama, has been going up at the rate of approximately 200,000 per election, prior to the adoption of Voting Rights Act.

Mr. BAYH. I have been searching through my papers here to find these figures. I will put them in the RECORD so that the distinguished Senator from Alabama will have the chance to examine them and discuss their authenticity. I do not want to mislead him or anyone who reads this RECORD.

If we look at some of the figures, we see what causes me concern. In the 3 years, for example, between 1964 and 1967, the general period to which the Senator referred, the nonwhite registration went from 19.3 to 51.6 percent in Alabama. In Mississippi it went from 6.7 to 59.8 percent. This is consistent in that area. But if we look at a similar period before the Voting Rights Act was passed, there was almost no activity at all. In Mississippi, for example, less than 10,000 black voters were registered in the entire decade ending in 1964, while over a quarter of a million were registered between 1964 and 1967.

So I think one has to ask himself, in good conscience, Did not the Voting Rights Act serve as a prod? Did it not serve as a warning to those local officials who were not doing their job that "We're are going to make you do your job if you do not give your fellow citizens the right to vote"? I see no other reason for this sudden increase in registration.

I am concerned about the fact that despite the Voting Rights Act of 1965, there still has been a pattern which I will discuss in some degree of particularity later, a pattern which belies a good-faith concern. There still are a number of unscrupulous officials in these areas who have not seen the light of day, which I am willing to concede most of the people of Alabama and the rest of the South have seen. Unless we continue to tell those public officials, "We are not going to let you get away with it," they are going to follow those old habits, those old patterns. It is not my effort to indict the whole people of the Senator's State or the rest of that area. I think most of them are wonderful, God-fearing people.

Mr. ALLEN. Mr. President, the distinguished Senator from Indiana has mentioned his fear or his feeling that there are certain unscrupulous officials in Alabama and the South who are possibly seeking to prevent people from registering and voting.

I am sure that the Senator would be the first to concede that that situation does not exist in Greene County, Ala., which he visited when the black citizens took over the county government.

Mr. BAYH. I hope that is not the thought the Senator conveyed earlier. I expressed concern that the only way the black candidates were able to get elected there was by having to go to court and sue the election officials who had taken their names off the ballot. There was an unfortunate situation there, which the Senator from Alabama, I am sure, would not want to be associated with. But someone down there was responsible for having a situation in which there were preliminary ballots which had names of black candidates on them, and they were pointed out to the Federal observers, and when everybody went into the voting booth, there was no question that the names of the black candidates had been left off.

It is this kind of activity, it is this resorting to the old ways, that concerns me. I think it would also concern my good friend from Alabama. If we could be sure that kind of thing would not happen, I would say, let us not have an extension at all.

Mr. ALLEN. The Senator mentions one county. He is concerned about the situation in that county, even though there are sufficient black voters in the county to take over the entire government of that county. So, apparently, there has been no discrimination made in registering voters in the State of Alabama. His concern has been expressed with respect to one situation whereas this law that he is asking to have extended, the automatic triggering device, applies to seven Southern States.

He said, "How will we be able to get at a situation like that?" The Senator well knows, under the other provisions of the act, that the 17 sections are not involved, in the expiration of the automatic triggering device; that it will be possible to go into court and get the remedy there. But that is the very point. We have to prove discrimination. If the Senator knows of discrimination going on in Southern States, I would like for him to come forward, because we are automatically covered; but, if sections 4 and 5 are allowed to expire, all that would have to be done would be to go into court and prove discrimination, and that would trigger the sections involved. It is not necessary to indict all the people of a region. It is not necessary to apply a formula devised in 1965 when there has been such a great change in voter registration throughout the entire Southern States.

I feel that it is unfair, discriminatory, and vicious, to apply the yardstick of 1964 figures when there has been such a remarkable change in the registration of eligible persons.

Mr. BAYH. Does the Senator believe it is acceptable practice, and an indication of good faith and a change of conscience for election officials in a given county, if in only one county, to leave the names of black candidates off the ballots so that when the voters go into the voting booths, even though a majority of them are black voters, none of the previously qualified black candidates are on the ballot?

Mr. ALLEN. I am not advised that that was the situation.

Mr. BAYH. That is what the Supreme Court of the United States said.

Mr. ALLEN. Well, the Senator spent more time in the county after the takeover by the black citizens than the Senator from Alabama did, so I will have to accept what the Senator said.

Mr. BAYH. I do not wish to mislead the Senator. I was there for a matter of perhaps 12 hours. I was glad to have a chance to be there and be invited by these officials. I would go back if invited again. But the record shows what happened; those candidates had to go to court and sue and have the election thrown out, and a new special election held in which their names were mandated by the court to appear on the ballot. When their names appeared, they got a majority of the votes, and they were able to get into the system and exercise participatory democracy. I do not think this kind of practice is the kind of practice that the Senator from Alabama would condone. I know that he is fairer than that. I do not think he would like to have that kind of thing go on, any more than I.

Mr. ALLEN. Had there been no sections 4 and 5, would there have been anything to prevent bringing such a suit?

Mr. BAYH. That particular suit could have been brought under other sections of the bill, but it is highly unlikely that a majority of the voters in the community could have registered without provisions of the sections to which the Senator from Alabama referred.

Mr. ALLEN. So it was not necessary to have sections 4 and 5, the automatic triggering device, to get the relief that the Senator from Indiana says was obtained.

Mr. BAYH. That is accurate, but I think the Senator is using only half the thought. I suggested that it would have been impossible, in my judgment, for the

citizens who were given the right to vote by court action to have had the right in any other way, because they would not have been registered. It was the ability to get on the rolls and cast their votes which was provided by the Civil Rights Act of 1965.

Mr. ALLEN. The Senator is confusing two aspects there. He is talking about registering and then getting on the ballot, which are two different things. The suit did not allow black citizens to come in and register. The suit allowed them to go on the ballot. Is that not correct?

Mr. BAYH. That is correct. The reason I brought up the Greene County suit was that the Senator from Alabama, in good conscience, was expressing the inequity of our requesting the extension of the act and the use of 1964 criteria which he believes are no longer applicable in 1968. In my judgment, it is unfortunate to have to use such criteria in the first place. We used it only because of the pattern of conduct that was calculated to deny black voters access to the voting booth and the registration rolls. It would seem to me that if we could see a change in the pattern of conduct which led to the establishment of criteria in the first place, then there would be no reason to use the old criteria.

I pointed out the events in one county in Alabama. But in my remarks later on, when I have an opportunity to go into some detail—and I hope that the Senator from Alabama will listen—I will cite several examples of activities on the part of officials that I think are unscrupulous, or certainly unfair.

The whole purpose is to deny black voters access to the voting booth or the registration rolls or the ballot, today, not 1964, but today. As long as this pattern of conduct exists, I think we have an obligation to take what steps are necessary to keep it from being a success. That is the concern of the Senator from Indiana. I appreciate the Senator differentiating between candidacy and registration.

Mr. ALLEN. Well, I appreciate the remarks of my good friend from Indiana, but I seriously doubt it is within the province of the Senator from Indiana to be the moral arbiter, judge, and jury of the actions in this matter regarding our State.

According to the Senator from Indiana, even his espousal of continuation of sections 4 and 5, even if every single black citizen of Alabama over the age of 21 years and every single white citizen in Alabama over the age of 21 years was registered to vote in Alabama, he would continue to apply, under this extension, the provisions of sections 4 and 5; because no matter what the performance in the States has been since the 1965 act, they are still going to use the 1964 figure under this formula; and there lies the point that seems so unfair to me that, in the first place, it was conceived in unfairness because it was designed to apply to seven particular States.

Then they sat down to devise a device, if you please, to make the law, or the automatic triggering provision of the law, applicable to these States. And they used then the November 1, 1964, figures, or the general election. They had to have 50 percent of the eligible citizens registered on November 1, or voting in the November election.

Then, irrespective of the increase that has taken place in the registration and irrespective of the fact that every one of the States has come up to this standard that was prescribed in 1965—artificial though it was—they still say, "Let us extend the provision. Let us not update the figures. Let us not give you any credit for the registrations you have had there. Let us not give you any credit for opening the registration booths to anyone 21 years of age or over. Let us go back to the old figures. Whether you have made any effort to add voters to the registration list, whether you have had remarkable success, whether you have registered every citizen in the county or State, we will still go back to the 1964 figure."

That seems to the junior Senator from Alabama to be an absolutely indefensible position.

Mr. BAYH. Mr. President, will the Senator yield for one last question and then I shall not continue to try the patience of my friend, the Senator from Alabama.

Mr. ALLEN. I yield.

Mr. BAYH. I will put this in its proper perspective, because I can understand why my distinguished friend, the Senator from Alabama, would be sensitive about the application of the act to a small area consisting of a few States.

It is my opinion that we have an abundant record. In fact, the problem and the activity—which led to the disenfranchising of tens of thousands and hundreds of thousands of people—exist in that area where the act is applied. That is why a formula was drafted which applied to that area.

If our distinguished friend, the Senator from Alabama, can show us that this same pattern of lack of concern and of lack of access to the ballot exists in other States outside of this area, then I think his case is significantly strengthened. But in discussing this whole matter with the attorney general of Mississippi, Attorney General Summer, at page 384 of our hearings, we discussed the reason for the old standard.

The attorney general suggested, as the Senator from Alabama is suggesting, that there is no longer a need for the old standard. He suggested that even before the 1964 Voting Rights Act in Mississippi:

> Registration offices were being opened to these people where they had not previously had an inclination or opportunity to register and vote. It was being done.

This is the chief law enforcement officer of the State of Mississippi testifying before the Senate Judiciary Subcommittee on Constitutional Rights, chaired by our distinguished colleague, the Senator from North Carolina.

But what Mr. Summer ignored or overlooked was the fact that only 6.7 percent of the nonwhite voters in the whole State of Mississippi, only 28,000 Negroes were registered to vote in 1964. How much had been done before that?

First, let me point out what was done under the act. The number went from 28,000 voters in Mississippi before the act to more than one-quarter of a million black voters after the act had been enacted.

If what the Attorney General said was in fact actually happening, and if the job was being done before, I wonder how one could reasonably explain the fact that, in the entire decade before 1964 in Mississippi, there were less than 10,000 black voters registered in the whole 10-year period. Yet almost a quarter of a million were registered in the 4-year period after the passage of the Voting Rights Act.

It is that problem and the results that have been accomplished because of the act that lead me to take issue with my friend, the Senator from Alabama.

I look forward to having a chance to discuss this further with the Senator in great detail.

Mr. ALLEN. Mr. President, I thank my friend, the Senator from Indiana, for the comments. The Senator has still not answered why a standard is set in 1965 requiring a 50-percent registration, excluding all States that had a 50-percent registration of eligible citizens and setting that up as a standard. And then when the States comply with that, and come up to the 50-percent standard—some going as high as 75 percent, or even if they were to go to 100 percent—the rule would still be the same.

And even after this act is renewed, if it is, as to sections 4 and 5, that adds another 5 years. If, in that time they did qualify and register every citizen in the State that was eligible to register, they could not get out from under the act because it would require that they have to go in and prove that they have not discriminated, nor used a device for 10 years. Obviously, the States involved had to have a literacy test, or they would not be under the provisions of the act.

So no matter how the Southern States comply, no matter how free they are from discrimination, they would be convicted of discrimination automatically.

If the people of Indiana were being singled out for a charge of discrimination against them, and a Senator would come in with a bill and say, "Let us set up a formula that will charge the people of Indiana with discrimination, and we will convict them without a hearing," I can imagine how the Senator from Indiana would speak out against such a bill.

The Senator from Indiana would not like to have the people of his State charged, and not only charged but also convicted without a hearing, with discrimination.

The Senator would say, "Oh, we have a lot of illustrations of discrimination in a suitcase. I carry them around in my suitcase and pull them out on demand. I have a lot of illustrations. And at the proper time I will pull them out of the suitcase."

If he has these illustrations, even without sections 4 and 5, all he has to do is to go into court and invoke the provisions of this act. They can have Federal registrars there in a matter of days. They can have Federal voting observers there is a matter of days.

If the people of the Southern States want to pass a minor change in their statutory law having to do with registration or election laws, does the Senator think they could pass that? No; they would have to submit it to the Attorney General or the District court here in Washington and say, "Look here. We want to pass this law. We have some needed changes in the law that everybody down there wants, black and white. What about letting us pass it?"

If they go into district court, the district court is 2½ years behind on its cases. They could submit it to the Attorney General. If the Federal Government wants to veto the law all they have to do is say, "We cannot pass the law because it discriminates."

I do not imagine the Senator from Indiana would like that type treatment. He would not like the people of his State to be charged by Congress with discrimination, with unfair election practices, with discouraging voting, or with discouraging registration.

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

Mr. ALLEN. I yield.

Mr. BAYH. Mr. President, I hope the Senator does not have the idea, and I am sure he is not trying to convey the impression, that I am purposely not going into this detail. It is my opinion that the Senator from Alabama was in the midst of a speech, and he has been very kind to the Senator from Indiana. After the Senator has had his say, tomorrow or the next day, or whenever my turn comes, I will be glad to go down the list that concerns me.

Mr. ALLEN. Mr. President, I am sorry the Senator from Indiana misconstrued what the junior Senator from Alabama said. The junior Senator from Alabama said the Senator from Indiana has a number of complaints; that he has a handbag full of them and at the proper time he was going to bring them up. I was not suggesting the Senator did not have those cases.

The point is that if the Senator has these instances where discrimination has been used, even if sections 4 and 5 of the act are allowed to expire, all he would have to do is go in and prove these instances of discrimination to trigger the act; whereas, now they are automatically triggered and the people of Alabama and the South automatically are charged and convicted by an act of Congress without due process of law. Is that due process of law to pass a statute? I do not believe the Senator from Indiana feels it is.

Mr. BAYH. Mr. President, will the Senator yield

Mr. ALLEN. I yield.

Mr. BAYH. Mr. President, I doubt very much if the distinguished Senator is aware of the type of activity that is resorted to in some areas, because I am sure he would not want to associate himself with it in any way. Some of this activity is very difficult. It is on a narrow line and requires careful investigation before one can really see the intent of it.

But I am concerned about such practices as converting city council positions to election at large when enough black voters are registered in two councilmanic districts in a given city so that they can elect two black councilmen to the city council.

I am concerned about the fact that when a black citizen, a black voter qualifies and declares himself a candidate for an office in a State in question, the office is abolished.

I am concerned about another type of activity in which a black citizen qualifies and declares his candidacy for a certain office and it is just decided they are not going to have any elections; that they are going to add 2 more years to the term of a white incumbent.

This type of activity is fundamentally unfair. I am sure my friend from Alabama would not want to associate himself with it and that he probably does not know it is going on, but it is. It is a subtle effort to deny citizens of this country access to the ballot box and full citizenship. That is the reason for the need for this legislation that concerns the Senator from Indiana.

Mr. ALLEN. Mr. President, I appreciate the explanation of the distinguished Senator from Indiana, but his explanation points up the fact that there is no need for a blanket indictment of an entire people; and that is what the extensions of sections 4 and 5 by an act of Congress would be because it provides that these practices which the Senator from Indiana is referring to are being carried on in these States involved. They are automatically convicted. That is the common practice, in other words. That is the effect of extending sections 4 and 5, as the Scott amendment would do.

I do not believe the Senator from Indiana needs to have a blanket indictment of an entire people in order to prove his instances, if there be any, I say that not in derogation of what the Senator has said but on the premise that the other side has not yet been heard. To indict a whole people without a hearing is certainly unfair. That is what the Scott amendment in the nature of a substitute would do.

The point that the Senator from Alabama is seeking to make is that by allowing sections 4 and 5 of the Voting Rights Act of 1965 to expire—and that is what we would do by the defeat of the Scott amendment, by defeat of the House bill, and by the defeat of a bill which is standing in the wings, providing for a simple extension of the 5 years of the Voting Rights Act—that would leave us with the whole machinery of the Voting Rights Act still in full force and effect but it would apply to every one of the 50 States, and if a State discriminates, if there are unfair election practices, then suit could be brought in court and an interlocutory order obtained which would call into force and effect the provisions of the Voting Rights Act of 1965.

I would like to read from the committee report at the time the House bill was reported by the House committee which outlines what would be left in the Voting Rights Act of 1965 if sections 4 and 5 were allowed to expire. Actually, it is the whole act because this just applies to the triggering of the provisions against the Southern States.

Under the permanent provisions of the Voting Rights Act—that would be sections 1 through 19, leaving out sections 4 and 5:

When the Attorney General brings a suit under the 15th Amendment—

And this act is supposed to implement the 15th amendment, which says that the rights of citizens of the United States shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and the Congress shall have power to enforce this article by appropriate legislation—

When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters—

I believe the Senator from Indiana has left the Chamber. I wanted him to hear these remarks, to see what would still be available to him, to help him with the instances that he has in his portfolio.

In such suit, the court is empowered to suspend the use of literacy tests "for such periods as it deems necessary."

There is your literacy test out the window.

In such suit, the court retains jurisdiction "for such period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law.

That is a provision that applies against the Southern States without any lawsuit. They are just automatically covered by that. That is the eminent unfairness of this thing. They are convicted in advance. They are indicted. They are indicted and convicted in advance. I do not know of any other statute anywhere that automatically convicts a citizen, a group of citizens, or the citizens of a State in advance of any hearing. That is not due process of law. It looks like the Supreme Court would strike down such a law.

As I remarked a couple of hours ago, that is something that caused Mr. Justice Black to dissent from the holding of the Supreme Court upholding the constitutionality of the Voting Rights Act.

This is what can still be done even if sections 4 and 5 of the Voting Rights Act are allowed to expire. This is a triggering device that takes place in a court proceeding and on proof and an opportunity to be heard. That is just the basic Anglo-Saxon system of justice, which gives the accused a right to be heard, to be confronted by witnesses against him, and not to be convicted in advance.

That is exactly what sections 4 and 5 of the Voting Rights Act of 1965 do.

If we are going to have a Voting Rights Act, let us have it apply to the whole country.

As I suggested to the distinguished Senator from Texas (Mr. TOWER) a while ago, the suggestion of the President that the Voting Rights Act be applied uni-

formly throughout the Nation is fine. I applaud him for that. I applaud his fairness and his statesmanship. But actually it is not necessary, because we already have a Voting Rights Act applicable to the entire country. I guess people lose sight of that fact, because nobody comes in and says that people outside of the South are guilty of any discrimination. But our people are just judged guilty, convicted, and sentenced. Then we have these registrars and election observers come in on us. We have to go hat in hand to Washington to try to get approval of any change we might make in the laws, or seek to make. That gives the Federal Government a veto power against an act of a State legislature.

They can say, "Well, no, that is no good. Sorry. That discriminates." Everybody in the State is for it, but still the Federal Government says it discriminates; therefore, under the Voting Rights Act, it is prohibited.

So there is a strong Voting Rights Act, and if there are cases of discrimination, as the distinguished Senator from Indiana stated—and he stated he was going to bring those instances in here and put them in the RECORD—I invite him to bring them in, and invoke the provisions of the Voting Rights Act requiring proof, and give the other side an opportunity to be heard.

I object to the fact that the people of Alabama and the South are denied the right to come in and be heard and present their side of this controversy. I had always assumed there were two sides to a question. Under sections 4 and 5 there is only one side. The people of the South are guilty. That is what it says. They are guilty because they did not comply, and there is no opportunity to get them to comply, because the situation is dated back to what existed a year before the act.

It was very easy to calculate to what States the law would apply. They figured it up and said:

> If we use this method, it will apply to Alabama, North Carolina, South Carolina, Virginia, Georgia, Mississippi, and Louisiana. They are the States we want to get. So we will hit on this formula.

The formula, of course, was, and is, in the first place, that they had to have a device, as they called it—a literacy test or some method that the perpetrators of this act felt would bring those particular States under the provisions of the Voting Rights Act.

As I suggested earlier, this act sets up a device to outlaw devices, because it uses this formula, which is nothing more than a device to make it apply to certain given States. So, in the first place, they had to have a device—a literacy test. Then, if fewer than 50 percent of the registered voters registered or voted in the 1964 election and had a device, they were automatically covered and automatically condemned by the act as being guilty. So the Scott amendment refers to the 1964 election, or every one of the States would be out from under it. It was dated back to the 1964 election. No matter how many people have been registered since that time, no matter if all of the people in a State were registered as of now, they are still going to apply the criterion of the 1964 election, which shows that they are still using a device—and they try to outlaw devices under the bill—in order to lock these particular States in under the automatic triggering device of the bill.

What do I mean by the automatic triggering device? It means that these States are guilty without proof.

That is something that was discussed on the floor of the Senate for 2 weeks or more just last month—whether or not we are going to have uniformity of operation of a Federal policy, or law. The particular policy involved there was the Federal public school desegregation policy, and the Senate voted overwhelmingly, in a truly great display of statesmanship, that the Members of this body believe that we are one nation, under God, and that we are going to treat the people of every section of this country alike, and we are not going to have one desegregation policy in the South and an entirely different one in the North.

I hope the Senate will again assert that principle: That we are going to have one rule by which we outlaw discrimination in registration, improper election procedures, and discriminatory practices in election; that we are not going to have one Federal rule covering that in the North and an entirely different rule in the South; that we are not going to say that the people of the South are guilty unless they are proved to be guilty; that we are not going to say only to the people of the North, "You are innocent until you are proved guilty."

Mr. President, the other day we had a visit from the President of France. While I am not any great student of French law, I understand that in French law a person is guilty until he is proved innocent, whereas under the English law—the old English common law on which the decision law of our country is based—a man is innocent until he is proved guilty. That is a distinction that we have.

Are you going to follow the French law with respect to Alabama and the South? Are you going to say, "Yes, those fellows are guilty down there, even though they have about 75 percent of the eligible people registered and qualified to vote?" Are we going to say, "They are guilty of discrimination. Why? Because they did not live up to this 1964 criterion set back in 1964?"

It seems passing strange to me that the people in the South would be convicted without a hearing, based on a mathematical formula designed to convict them without any hearing. But we are going to have the French law applied against us; we are guilty until we are proved innocent.

When can we prove we are innocent? Under the Scott amendment, we can prove we are innocent 5 years from now. Five years from now we can go in and petition the court, and show them we are not guilty of discrimination down there, and have not been for 10 years. Five years from now, we can go in and prove we are not guilty; and if we can ever get a hearing, and they do not extend this law again for another 5 or 10 years, we might get out from under the automatic conviction provided by this bill.

People outside the South have the English common law applied to them. I feel that many people do not even realize that we do have, in the Voting Rights Act of 1965, a national law, a law applicable to all the 50 States. Senators say, "Let us renew the Voting Rights Act or let's let it die," but the Voting Rights Act is going to stay here until it is repealed, and none of these provisions provides for any repeal of the act itself. All any of these bills would do is extend the Voting Rights Act for 5 years under certain terms and conditions; some may add a modified presidential voting situation, and others abolish a literacy test, outside the South—of course, they are already abolished in the South.

I asked the distinguished Senator from Pennsylvania, when he was explaining his amendment abolishing literacy tests throughout the country, if he was trying to get a less literate electorate. He stated that he was not, but he sought to abolish literacy tests all over the country. We have had them abolished for us in the South and we, of course, feel that that is discriminatory.

But the provisions of sections 4 and 5 are the vicious provisions. The whole act is vicious. The whole act is an invasion of State sovereignty. But the most vicious feature is in sections 4 and 5, which hold as a matter of law that the people of the South are guilty of discrimination, that they are guilty of hindering registration, and that they are guilty of improper election practices. That is what sections 4 and 5 do.

So the Voting Rights Act, in all of its viciousness as an invasion of States' rights and State sovereignty, is turned upon the people of the South, without a hearing, and without any opportunity to present our side of the matter, whereas outside the South it takes a hearing, and it takes a court procedure to trigger the provisions of the act.

Mr. President, going on with the thumbnail sketch of the 1965 Voting Rights Act as it applies throughout the Nation, even with sections 4 and 5 out—and that seems to be the great issue before the Senate at this time—I read as follows:

> In such suit the court retains jurisdiction "for such period as it may deem appropriate," and during that period the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law.

That is what takes place in a court proceeding when discrimination has been found to exist. Then the court can order the type of proceeding and require the approval of the Attorney General on any change in the voting laws. But without any proof the people of the South are subjected to this vicious proceeding, and the people of the South, in order to change one of their laws, have to come in and ask the permission of the Attorney General or the Federal district court in Washington. Why could not the Federal district court in the State itself be allowed to pass on this question? I un-

derstand that the Federal district court in Washington has about 4,000 cases on its docket and that it would take about 2½ years before a case could come up for hearing. So this is a vicious provision, requiring our people to come to Washington for approval.

We have had some of our statutes approved. We have complied with this law because we in Alabama are law-abiding people, as are the people of the other States of the South. We make out as best we can by obeying the laws. We ask only for the equal protection of the laws.

As I said to the distinguished Senator from Indiana (Mr. BAYH), when we were engaged in a colloquy earlier:

> You set the law that all States are required to comply with, and we will go along with it. You just pick it out.

We have on the books a law that potentially applies to all 50 States. But only the South has it triggered against us, while the sections of the country outside the South have to be hauled into court and discrimination or improper practices proved against the other States. That is what we object to.

Our people comprise our State. A State, as the distinguished Senator from North Carolina said earlier this afternoon, is not only the State government; it is not only the public officials in a State; it is not only the land within the boundaries of the State; it is the people of the State.

This section, automatically finding the people of the South guilty of discrimination, is a blanket indictment against every responsible person in every one of the seven Southern States, because they say: Without any proof, without any hearing, without any notice to you, they say, as a matter of law, that you are all guilty of discrimination, you are guilty of unfair practices, you cannot change your election laws down there, you cannot change your registration laws, unless you come to Washington and get approval here. You have to register everybody down there who is 21 years of age or over. We are going to send registrars down there to see that they are registered. We are going to send election observers down there to see that you have fair elections, because we found you guilty. You, the people of the South, are guilty of improper practices.

That is what sections 4 and 5 say.

Forty-three other States are not covered by the automatic trigger. All States are covered by the act. Only the seven Southern States to which I have alluded from time to time are covered by the automatic trigger. That is what we object to.

If the automatic trigger provisions, sections 4 and 5, are permitted to expire, I am ready to vote. I am ready to vote on any phase of the bill. If any law is passed that applies uniformly throughout the country, believing as I do in the Constitution, which guarantees equal protection of the law to every citizen, I certainly will withdraw my objection to the other 17 sections in the Voting Rights Act, because it would apply to everybody. We are not asking special treatment, but we are asking equal treatment. That is all we ask.

I am glad that the distinguished Senator from Pennsylvania has entered this Chamber. We have been discussing his amendments some little while, and I wish the Senator had been here all the while. I think he would have enjoyed the discussion. I doubt that he would have been enlightened, but he would have been interested.

Mr. SCOTT. I am sure the Senator from Pennsylvania would have been intensely interested. I do not labor under the impression that the Senator from Pennsylvania and the Senator from Alabama are going to persuade each other. But a certain amount of elucidation and adumbration is indeed good for the soul. Therefore, I am sure that whatever I have missed during necessary absences from the Chamber is to my disadvantage, although perhaps not entirely to my discomfort.

I wonder whether the Senator would be good enough to yield to me to make a statement which would appear at the conclusion of his remarks today. It would be for that purpose only, and with the understanding that he would not lose his right to the floor.

Mr. ALLEN. With that understanding, Mr. President, I yield. I have some additional remarks that I know Senators would be glad to hear, and I hope the Senator from Pennsylvania will remain after he has made his remarks at this time.

Mr. SCOTT. I thank the Senator.

I have a meeting with a number of farmers from Pennsylvania later this evening, and there, too, I have an opportunity to become enlightened by these gentlemen and those who have often been good enough to say that they approve of the positions I have taken on farm legislation. But before doing so, I would like the opportunity to hear further the Senator from Alabama.

(The subsequent remarks of Mr. SCOTT, dealing with a modification of the pending amendment, appear at the conclusion of Mr. ALLEN'S address.)

Mr. ALLEN. Mr. President, I have been discussing the provisions of the 1965 Voting Rights Act applicable to the entire 50 States of the Union, pointing out that even if sections 4 and 5 are allowed to expire we will have a Voting Rights Act applicable to the entire Nation, the only difference being that the Southern States will not be singled out for conviction without notice and without a hearing, and all of the States of the Union will be on the same basis—that discrimination, that barriers to registration or voting, that improper election practices must be provided as to any State in the Union, including the Southern States.

And I stated that if sections 4 and 5 of the act are allowed to expire, then the remaining sections of the act being applicable to all 50 States, there will be no objection by the junior Senator from Alabama to closing the debate. The people of Alabama and the South are willing to abide by any law that is applicable throughout all 50 States of the Union.

We are asking only for equal protection of the law. We do not wish to submit to a Federal law that condemns the people of the South automatically of discrimination and convicts them without a hearing, without notice, and without having an opportunity to be confronted by witnesses against us, whereas the people in sections outside of the South are innocent until proved guilty.

We want to be on the same identical basis as the people of the other States of the Union. And when we decide upon provisions of law that will be applicable throughout the Union, then the Senate will not hear protest from this Senator. The Senator from Alabama does not want special privileges. The Senator from Alabama does not want unequal treatment. The Senator from Alabama does not want special provisions of the law applicable to him in a favorable fashion. As long as the same law applies uniformly throughout the Union, there can be no proper protest from the people of the South.

I feel that there will be none. So, if we can remove the automatic trigger provided by sections 4 and 5, I am willing to proceed with respect to the permanent sections of the act, which are all of the 19 sections except sections 4 and 5.

Going on with the provisions of the 1965 Voting Rights Act, the permanent provisions, it reads: "When Federal examiners have been appointed under such suit" and that would be all States on the same basis, they have to be convicted of discrimination before the provisions of the act are triggered, whereas it is now the people of the South that are convicted and punished without a hearing.

I continue to read:

> When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes.

That is applicable throughout the country. I am certainly agreeable.

I continue to read:

> No State may enforce a literacy test with respect to a registrant who has completed the sixth grade in a non-English-speaking school.
>
> Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or alterating ballots or official records; and
>
> The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.

So, those are general provisions for the Nation. And it probably comes as a surprise to many who have confined their study of the bill to a reading of the newspaper that there is a Voting Rights Act applicable throughout the country, the difference being or the saliant features of it being that the Southern States are automatically convicted of discrimination and the punitive provisions of the Act are made applicable, whereas, in the other 43 States of the Union it takes a suit and proof of discrimination before the punitive features of the act are triggered.

So that under the automatic provisions of the act without any notice what-

soever, without any proof of discrimination, the people of the South are indicted and convicted of discrimination, of improper practices, of setting up barriers to the registration of voters, whereas the other provisions of the act, outside of sections 4 and 5, while they are applicable throughout the country, they are applicable in sections outside the Southern States only on the filing of suits and the finding of discrimination.

So that is the point we make—the improper application of the laws, the application of one rule for the South and another rule for the North, the requiring of proof of discrimination for the North, the automatic conviction of the Southern States, of the people of the Southern States.

Mr. President, I yield to the distinguished Senator from South Carolina with the understanding that I do not lose my right to the floor.

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

Mr. THURMOND. Mr. President, I commend the distinguished and able Senator from Alabama for the magnificent fight he has made in trying to preserve the right of the States to uphold the Constitution and prevent a law being renewed here which would punish certain States of the Union and favor other parts of the country.

Mr. President, in reviewing a legislative enactment it is standard procedure to consider the emotional, political, and economic climate existent at the time of its formulation and passage. The matter under discussion before this body today is H.R. 4249 which would amend the Voting Rights Act of 1965. In our deliberations we should review the 1965 act and be reminded of the circumstances surrounding its enactment, in order that the language of this law may be read and interpreted in the context of its birth.

A landslide at the polls had just been realized and emotionalism was at a high point. Mr. President, the atmosphere in Washington was then charged with the heavy intoxication of political victory too easily won and the victors were consumed by an insatiable lust to punish the States that stood before the tide and cast their lot for Senator GOLDWATER and in opposition to the Democrat standard bearer. The States that supported Senator GOLDWATER in the presidential election in 1964 were: South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Arizona. These States were, with the exception of Senator GOLDWATER's home State, States of the old South. The pulses of the architects of the 1965 act surely must have quickened when they realized that the dissenting States, almost without exception, were southern. A formula was designed to inflict the punishment. It was relatively simple: If 50 percent of the population eligible to vote was not registered in the State in 1964 or if 50 percent of those eligible did not vote in the 1964 elections then the State fell into the web of the Voting Rights Act and assumed a status unequal to the position enjoyed by the other States of the Union.

Mr. President, the States affected by the act were South Carolina, Georgia, Alabama, Mississippi, Louisiana, Alaska, and Virginia. There were a number of counties in North Carolina affected and one county in Arizona. Every State that voted for BARRY GOLDWATER was covered under the act.

The primary justification utilized by the advocates of the 1965 plan was that it was necessary to enact legislation to protect the voting rights of citizens. Certainly no one can nor does object to this laudable goal. No one objected to that goal at the time of the act's passage.

South Carolina has certainly held true to the constitutional requirement that all qualified people be registered and allowed to vote. This fact is borne out by the history of the State for no one has ever been convicted in any State or Federal court of violating anyone's right to vote in the Palmetto State.

South Carolina's history of nondiscrimination in voting was noted by Attorney General Katzenbach in his testimony before the House Judiciary Committee.

Mr. Katzenbach, in discussing section 3(a) of the proposed act said:

> The premise of Section 3(a) . . . is that the coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices. That this premise is generally valid is demonstrated by the fact that in six out of seven States in which tests and devices would be banned statewide by Section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia.

In spite of its clean record which was admitted by Attorney General Katzenbach, South Carolina was placed under the onus of the legislation because it fell within the formula.

In South Carolina in 1964, there were 1,266,251 eligible voters. Of these people, 772,572 were registered but only 524,764 of them voted. Therefore, less than 50 percent of the eligible voters participated in the election of 1964. Congress said that because of this, South Carolina was guilty of not registering her Negro citizens.

Mr. President, there are various reasons why the population of South Carolina did not participate in the election of 1964 to a great extent. For one thing, it is a rural State primarily and transportation has always been a problem. The history of the State shows that for many, many years the Democrat primary was the main election in South Carolina and in 1968 this was still the case and so people do not participate in the general elections.

The primary reason, however, why voter participation was down in 1964 especially among the blacks was simply a matter of apathy. Negro voters did not want to support Mr. GOLDWATER and they did not want to support Mr. Johnson. This fact is better understood when one remembers that Lyndon Johnson did not try to establish himself as a great liberal until after he had won the Presidency in 1964.

These facts, of course, were completely disregarded in 1965 and the zealots pushed the legislation along stampeding over fact, truth, and constitutionality.

Mr. President, to argue that the act is anything other than an instrument for the infliction of political punishment is futile. Besides citing the names of the States that voted for GOLDWATER and comparing them with the States that went under the 1965 act, and examining the arbitrary formula, there are only two other aspects that we need to cite to show that this action was arbitrary, capricious, unreasonable, totally discriminatory and designed for political punishment.

These two aspects which indicate the noxious nature of this curious contrivance are: First, the requirement that court cases under this act be brought in the District of Columbia court.

The reason for taking cases into the District of Columbia court was not for the purpose of obtaining justice but rather for moving into a forum which was partially, if not totally, predisposed to be blind and deaf to any arguments fostered by the Southern States. This point was admitted by Mr. Joseph Rauh, the darling of the old-line leftists, when he testified before the Constitutional Rights Subcommittee on Thursday, July 10, 1969. Mr. Rauh said:

> What stops these things now is they have got to come for approval to the Attorney General or the district court here, people who are sympathetic to civil rights.

Courts are not supposed to be sympathetic to any social or political cause or movement.

Mr. President, the second and other unreasonable aspect of this legislation occurred in its application. In determining the population of the State for the purpose of finding out whether or not the statute was applicable to illiterates, military personnel, persons incarcerated in penal institutions and persons confined to mental institutions and even students in colleges and universities were counted in determining the population. These people, of course, were all either disqualified from voting or ineligible to vote under State law. This action was an absurd and arbitrary thing to do and no reasonable man can justify the inclusion of people who were barred by law from voting in the population of the State. In South Carolina it is estimated that some 85,000 people who were under a disability or were not qualified were counted in the population.

A general rule in the law is that arbitrary, capricious, unreasonable, and discriminatory actions by governmental agencies will not be allowed to stand Certainly, any reasonable man will have to admit that taking into account unqualified voters as part of the population falls within this rule and the fact that the failure by the Bureau of the Census and of the Attorney General to expunge these people from these population figures was raised in various arguments in the Congress and in the courts, but they were ignored.

Mr. President, this sort of arbitrary action is certainly a poor precedent and is the type of thing that results from

legislation too hastily drawn and enacted in an emotional furor.

Mr. President, clearly this act abridged the Constitution.

It seems that few, if any, of this body at the time of the enactment of the 1965 Act were cognizant of the constitutional rules and precedents that were being violated. It is doubtful that the advocates of its extension are going to listen to any arguments regarding the Constitution at this time. However, I shall make a few brief observations concerning the constitutionality of the act of 1965.

The act, in abolishing the literacy test, and purporting to regulate the elections of South Carolina violates her right to prescribe reasonable voter qualifications and regulate her elections as recognized in article I, sections 2 and 4 and the 17th amendment to the Constitution of the United States, and further impinged upon the rights of her inhabitants under the fifth amendment to the Constitution of the United States and its article IV, section 2.

Even if Congress were not prohibited from enacting this legislation, the act was not "appropriate" and therefore violated the 15th amendment.

The act deprived South Carolina and her citizens of their constitutional rights because of the failure of certain of her electorate to vote in November 1964. It constituted a bill of attainder and ex post facto law prohibited by article I, section 9 of the Constitution of the United States and further constituted an unlawful attempt by Congress to exercise powers exclusively reserved to the judiciary under article III of the Constitution.

Mr. President, the act created an arbitrary and irrebuttable presumption of a violation of the 15th amendment solely by South Carolina and certain other sovereign States, violated the principles of equality of statehood, deprived her inhabitants of rights guaranteed under article IV, section 2 and the fifth amendment to the Constitution of the United States, and exceeded the powers granted Congress under the 15th amendment to the Constitution of the United States.

So much, Mr. President, for the 1965 act. Although I think that it is unconstitutional, the Supreme Court said otherwise, not that anybody expected them to turn it down, and therefore it stands as a lawful, although lamentable, act of Congress.

As of November 3, 1969, 843,007 people were registered to vote in South Carolina. Of that figure, 640,185 were white and 202,679 were nonwhite. In 1965, when the Voting Rights Act was enacted there were 142,780 Negroes registered to vote in South Carolina. This means that from the time of the enactment of the Voting Rights Act until November 3, 1969, only 59,899 Negroes were added to the voting rolls in South Carolina.

There are a number of reasons why this figure of more than 59,000 exists.

One reason is population growth. During the period between the enactment of the Voting Rights Act in 1965 and 1969 the population of South Carolina grew 13.6 percent. Also, a number of highly successful voter registration drives have swept the State and a number of people both Negro and white have been signed up to vote.

The State of South Carolina has reregistered since 1965 and because of the intensive registration effort made throughout the State a great number of people were placed on the rolls.

There are those who have tried to directly relate the 1965 act to the increase in registration in South Carolina but there is no direct relationship and none can be proved. One might say that during the period the 1965 act was in force a number of people were registered in South Carolina but no one can make the statement that because of the 1965 act more than 59,000 were registered.

When we consider the elements that constitute the factors in the increase in registration for South Carolina the effect of the Voting Rights Act pales notably.

Mr. President, we have reviewed the climate in which the Voting Rights Act of 1965 was enacted. It is only proper that we look at South Carolina and take cognizance of the climate there now.

A development which has taken place in South Carolina since 1964 and which is a strong basis for believing that the extension of the present act is unnecessary is that a number of politicians in the State have sought and obtained the Negro block vote. A number of legislators and officials in South Carolina now owe their political lives to the Negro vote. This situation has come about largely as a result of the Democrat Party becoming so liberal that moderate and conservative elements have withdrawn from it and a two-party system has developed. As a consequence, the voting behavior has changed drastically since 1964, the year that GOLDWATER ran and the year in which Republicanism came to the forefront in the State of South Carolina.

The fact that politicians have been elected by the block vote was referred to by Senator TYDINGS when he testified before the Constitutional Rights Subcommittee. Senator TYDINGS said:

> Since the passage of the Voting Rights Act there has been a significant increase in the number of Negroes registered to vote and running for office in southern states . . . The voting Negro vote was a major factor in elections across the South.

He said further:

> It resulted in a winning margin for a United States Senator from South Carolina.

Senator TYDINGS went on to point out that in other States Negroes were being elected to public office including the legislature and lesser posts with greater and greater frequency. The important factor to which Senator TYDINGS alludes was that not only Negro but white politicians are being elected by the Negro vote.

Some argue that suddenly thousands and thousands of Negroes are going to be disfranchised and denied the right to vote in South Carolina if the Voting Rights Act of 1965 expires, or if H.R. 4249 is enacted. This is absurd for no officeholder is going to disfranchise his supporters. There are too many politicians whose political lives depend on that vote and they will not let it go. The fact is that their focus will be to increase its size and strength.

The purpose for which the Voting Rights Act was theoretically enacted was to protect the right of people to vote. Those rights are being protected now not as a result of the 1965 act, but because of natural political growth and involvement by Negroes throughout South Carolina and other States.

South Carolina has taken perhaps the greatest step forward of any State of the Union to guarantee and protect the right to vote, for it has enacted the most comprehensive and modern voting rights code ever devised. Many other States have come to South Carolina specifically to study our voting procedures. We are the only State of the Union that I know of that has a totally computerized election process. Every voter in South Carolina is registered on a computer in the capital city and if he should die or be incarcerated in prison or move or otherwise become ineligible or unable to vote, his name is automatically purged from the records. Two weeks prior to any election the machine is run and a punch-out of all those individuals registered who are eligible to vote in each precinct is distributed to each registrar in every county in the State. These records are also available to individuals who wish to purchase them at a nominal cost.

This code and this computerized procedure, which is the most modern that I know of in the world, certainly guarantees to every individual who is qualified the right to register, vote, and participate in political affairs in the State of South Carolina. I challenge everyone in this Senate to compare their State laws with the laws of the State of South Carolina and with our computer program and election practices and you will find our system is superior.

Mr. President, I submit that because of the developments which are not connected with the 1965 act that have occurred naturally in the political climate of South Carolina, there is no justification for the continuance of the Voting Rights Act of 1965.

The proposal has been made by the administration that the Voting Rights Act be amended. That amendment is known as H.R. 4249. This proposal would expand the Voting Rights Act to apply uniformly throughout the United States. It would outlaw literacy tests throughout the country including Massachusetts, New York, and other States where they are presently utilized. It would change residency requirements for the purpose of voting in a presidential election.

H.R. 4249 provides that the Attorney General could bring an action in the district courts of the United States where he believes that a State or political subdivision is utilizing some practice or procedure that has the purpose or effect of denying the right to vote on account of race or color.

Mr. President, the amendment also establishes a National Advisory Commission on Voting Rights which will look into voting practices and voter fraud and report back to the Attorney General.

This Commission would help in cleaning up elections in this country.

The National Advisory Commission on Voting Rights would be appointed by the President and composed of not more than nine members. The Commission would undertake a study of voting laws and will also study the impact of fraudulent and corrupt practices upon voting rights. Mr. President, it is an open secret, as we have witnessed during election night reports on national television, that voter fraud is rampant in various places across the country.

One of the reasons why this voting rights amendment of 1969 is being so zealously opposed may be because the big-city bosses know that if this Commission is established it will determine without any question that voting practices in Chicago and a lot of other northern cities are shot through with fraud and corruption. If this fraud and corruption is uncovered, if laws are enacted to stop it, then we may find that the balance of political power may be switched in some of these areas and the old guard will be turned out in favor of people who are elected by fair and honest election procedures.

Had it not been for President Nixon's vigilance in the election of 1968 to make sure that Operation Eagle Eye was established in Chicago, Ill., the election could have very well been once again denied him by that city.

Speaking of fraud, under the 1965 act a great number of illiterates and others who were not qualified were allowed to register to vote. One of the reasons the States have had laws concerning voting age and voter qualification is to make sure that people who are competent to cast an intelligent vote are registered and those who are not were kept off the rolls. This is precisely why we do not let 12-year-olds or 6-year-olds vote in this country. They are simply incompetent to vote.

The 1965 Voting Rights Act allows people who have no more intelligence and not much more education than a 6-year-old to vote. The law said, in effect, that it is not all right for juvenile incompetents to vote but it is all right for adult incompetents to vote.

When a man goes into a voting booth and he cannot read or he cannot write obviously he is going to have to have someone go in with him in order to cast a vote. Generally, these people have no idea what the whole process is about and they have to be instructed how to vote. In those States where you vote a straight-party ticket they are often ordered to vote for one particular party. In the case of South Carolina, they are told to vote Democrat.

All too often, the people hanging around polling places belong to the predominant political party and their job is to go into the polling booth and make sure that the voter votes for the right ticket. What usually happens, I am convinced, is that the assistant goes in and does the voting himself. You can see that this is nothing more than voter fraud, and is a practice which has been perpetrated throughout South Carolina since the Voting Rights Act of 1965 has been the law.

This is an unfortunate misuse of people's rights, and in fact it is a denial of those rights.

This kind of voter fraud undoubtedly will be discovered by the National Advisory Commission on Voting Rights if it is established.

Mr. President, the Attorney General has testified to the effect that the present act is cumbersome and ineffective. Only a small percentage of State election laws have been found objectionable. Out of 436 such laws or regulations only 22 have been objected to.

H.R. 4249 would provide for enforcement of its provision through the courts, where it belongs, and would leave the Justice Department free to exercise its proper role as prosecutor.

Mr. President, I am firmly of the opinion that the Voting Rights Act of 1965, which was a product of hate and a desire for revenge and punishment must lapse in its present form.

I do not feel that this kind of legislation is necessary, but if the Congress deems it necessary to enact a Voting Rights Act at the national level it should apply to all States—not just certain States to which it now applies.

Mr. President, H.R. 4249, is not limited to only one geographic area as is the present act, but covers the entire Nation. Some argue that denial of voting rights is confined to but one section of the Nation. That is not true. A higher percentage of blacks voted in 1968 in South Carolina and Mississippi than voted in Watts or Harlem. We must not turn our backs on these disenfranchised citizens throughout the Nation; we must not forget them simply because of their geographical locality.

Mr. President, I am tired of the bigotry and hypocrisy of certain people in the country who are attempting to continue to enforce the unconstitutional voting rights law. They are simply trying to punish the South; and yet there is more discrimination in the city of Chicago than there is in the State of South Carolina. There is more segregation in the schools of Chicago than in the schools of South Carolina.

If a person is qualified to vote, he should be allowed to vote, anywhere in this country. The advocates of the extension of the act say that it has been beneficial to voters. Well, why should not voters over the Nation have what benefits there are in this act? I am surprised, Mr. President, that the civil rightists, the humanitarians, the equalitarians, and all other such groups have not come forward and eagerly supported this legislation, since it applies to all of the people in all of the States on an equal basis.

Perhaps the truth is, Mr. President, that these organizations are primarily interested in nothing more than getting votes for certain politicians in this country and are not at all concerned with equity and fairplay.

Mr. President, I do not favor any extension of the present law. I think it is unnecessary; I think it is unfair; I think it is unwise. I think it never should have been enacted in the first place. Under the Constitution, the States can fix voter qualifications. But under this law, literacy tests were abandoned and abolished. They were abandoned and abolished by the 1965 Voting Rights Act. In my State today and the other States to which this act applies, which have literacy requirements in order to vote, the Constitution has gone down the drain. Any illiterate in my State can vote today, although the State law does not permit him to do so. The State constitution does not permit him to do so. The present situation prevails because Congress desired to punish certain States for voting as they did in 1964, when they passed the 1965 act.

The Voting Rights Act of 1965 should be allowed to die. If new legislation is necessary, then, I repeat, let it apply nationwide. Let it apply in New York as well as in South Carolina. Let it apply in Massachusetts as well in South Carolina or Mississippi or Alabama. Let it apply in Chicago, and let it apply in Detroit and in other cities and other States of this Nation, not just in certain selected States where the people voted for Senator GOLDWATER for President in 1964.

Mr. President, this is a very important matter from the standpoint of the equality of States, about which the Constitution speaks. I am convinced that although a majority—it was not a unanimous decision—of the Supreme Court held this act constitutional, one of these days, if there should be a test before an appropriate, a fair, a just, and an unbiased Supreme Court, they will hold it unconstitutional. How could the Supreme Court hold such a law constitutional, when it violates the very fundamentals of the Constitution?

Article I, section 2, provides that the States can fix voter qualifications. That is what the State of South Carolina did. The State of South Carolina fixed voter qualifications by saying that any citizen who can read and write the Constitution—which merely means that he can read and write—is eligible to vote. It went further and said that if he cannot read and write, but owns $300 worth of property, he still can vote. But that qualification, which is a very low literacy requirement, was nullified and abolished by the 1965 act. How can Congress pass a law that would have the effect of nullifying and abolishing a section of the Constitution? That is what this 1965 act did.

I have argued that this law should not be continued, and I do not think it should be continued. I think it is very unfair and very unjust. The law is entirely unnecessary and should not be reenacted.

Mr. President, again I say that if this law is going to be enacted in any shape or form whatever, it should apply to all the people in all the States. Why should not those interested in civil rights, in humanitarianism, in equality of justice, and in every other right of an equal nature be just as interested in seeing that individuals in any State of the Nation have the same right as those in other States of the Nation? Why should certain States be singled out?

There is no evidence that South Carolina has deprived anybody of voting. I was Governor of the State from 1947 to 1951, and we saw to it that every citizen, black and white, everybody who wanted to vote, had the right to vote. There has not been a single instance since then, there has not been a single case brought in court, and there has been no charge that any individual, black or white, has been denied the right to vote in South Carolina. Why should South Carolina be under this law?

It is very unfortunate that a little less than half of the registered voters in my State failed to go to the ballot box and vote. People cannot be made to vote. They have a right to register and not vote, and they have a right to vote. Someone may say there was intimidation or there was pressure on them. I challenge that, and I say, "No." That is untrue. There is no pressure on any voter in South Carolina to stay away from the polls. There has been no pressure on any voter. Every citizen in my State has had the right to vote since 1947. I know, because, as I have said, I was Governor then, and I have been in public office practically ever since. Anyone qualified to vote in my State has the right to vote.

If this law is going to be renewed, I say it should apply to all the States and all the people, and not apply just to certain States that went for Senator GOLDWATER in the 1964 election.

I thank the distinguished Senator from Alabama for yielding to me.

Mr. ALLEN. I thank the distinguished Senator from South Carolina for his outstanding contribution to this discussion. I appreciate very much what he has had to say.

I suggest to the distinguished Senator, who was speaking of the formula under which South Carolina came under the provisions of the 1965 Voting Rights Act—the automatic trigger provision—that merely because South Carolina was just a few percentage points under the required 50 percent it did become subject to the automatic trigger provision of the Voting Rights Act.

I suggest to the distinguished Senator that had the vote percentage in his State been a little bit different from that—had it been slightly above 50 percent—in all likelihood the formula would have been different, because the target was picked out first, and then the formula devised to bring the particular States involved under the provisions. So if South Carolina had a 55-percent registration, the chances are that the requirement would have been placed around 56 to 60 percent.

Mr. THURMOND. I think the distinguished Senator from Alabama is eminently correct. I believe it was determined to find some formula by which the States that voted for GOLDWATER for President could be punished, and this particular formula was worked out.

I was told that a great deal of study had to be made and statistics considered before the formula was arrived at so as to catch the States which voted for Senator GOLDWATER, and in catching those States in the net, a few counties in North Carolina, Virginia, and Arizona were counted.

Mr. ALLEN. I thank the distinguished Senator from South Carolina.

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

Mr. ALLEN. Mr. President, I ask unanimous consent that the request for a quorum call may be made without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceed 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 (Mr. SPARKMAN in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8020) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 544

Mr. SCOTT. Mr. President, at this time I modify my amendment No. 519 as follows:

On line 2, page 3, after (a) strike out all through line 8 on page 4 and insert in lieu thereof the language which I send to the desk. I ask that the clerk restate the amendment, following which I will say further what I have done here.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'.

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS'

"SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years'.

"SEC. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" "SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

" '(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered votes or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

" '(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

" '(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

" '(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1 of the Constitution;

" '(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

" '(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

" '(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

" '(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

" '(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for Presi-

dent and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirement prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"'(d) For the purpose of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

"'(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

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

"'(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"'(h) The term "State" as used in this section includes each of the several States and the District of Columbia.

"'(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

"'JUDICIAL RELIEF

"'SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"'PENALTY

"'SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"'SEPARABILITY

"SEC. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'.

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.'."

Mr. SCOTT. Mr. President, I ask unanimous consent that the amendment be reprinted so that clean copies may be made available.

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

Mr. SCOTT. Mr. President, the language, which I have just submitted as a modification to my amendment, is the language contained in amendment No. 503 submitted by the Senator from Arizona (Mr. GOLDWATER) with 29 of our colleagues as cosponsors.

In preparing the substitute, the section on residency requirements was drafted to parallel as closely as possible the language which is contained in H.R. 4249. Since the preparation of that substitute, the language of Senator GOLDWATER'S amendment has been studied, and it is obvious that not only does Mr. GOLDWATER'S amendment carry out the intent of the language contained in the original substitute, but, more importantly, it provides for voting rights to many citizens not otherwise covered by the original language.

The proposal of the Senator from Arizona (Mr. GOLDWATER) reduces the residency requirement from 60 days to 30 and gives to citizens the right to register and vote by absentee ballots.

As the Senator pointed out in his testimony before the Constitutional Rights Subcommittee on February 19, having been his party's nominee for President in 1964, he has more reason than most persons to examine the workings of the Nation's election machinery.

I am privileged to modify my amendment to include the language of amendment No. 503 and express my appreciation to the Senator for the contribution he has made in this most important area.

Mr. GOLDWATER. Mr. President, the distinguished Senator from Pennsylvania (Mr. SCOTT) has graciously made a modification in the substitute amendment which is now pending before the Senate. In doing so, he agreed to incorporate into the substitute the entire text of the proposal which I have introduced, on behalf of myself and 29 other Senators, to enhance the right of U.S. citizens to vote for their President.

Although our proposal has been formally presented to the Judiciary Committee when I testified before the Subcommittee on Constitutional Rights on February 19, the committee reported the voting rights measure without recommendation and without any amendments.

Therefore, I welcome the willingness of the senior Senator from Pennsylvania to include our amendment as a part of his substitute measure. In view of the fact that his legislation is endorsed by a majority of the members of the Judiciary Committee, I would like to feel that this move signifies that my amendment would have been reported favorably by the committee had there been an opportunity for a vote there.

Mr. President, I intend to explain my amendment in detail later in these deliberations. Suffice it to say at this time that the total benefit from the proposal might be the extension of the right to vote for President and Vice President to nearly 10 million citizens. Many Americans are now denied this basic right to vote for no other reason than that they happen to move their homes during an election year or be absent from their homes on election day.

My amendment will correct this archaic situation by completely abolishing the durational residency requirement as a precondition to voting for President and Vice President. It will also spell out the right of citizens to register absentee and to vote by absentee ballot for such officers.

Mr. President, there are as many as 4 million Americans who have moved from one State to another and who are barred from voting in presidential elections solely because of lengthy State residence requirements.

There are also nearly 1,000,000 more citizens who are long-time residents of a State, but who are disfranchised merely because they move to a different county or city in that same State.

In addition, there are estimated to be from 3 to 5 million citizens who are denied a voice in choosing their President and Vice President because they are not allowed to register absentee or to obtain absentee ballots. This category of citizens not only includes those Americans who travel within the United States for various reasons at election time, but it also encompasses a great many Americans who are temporarily outside the United States. They may be serving overseas as Foreign Service Officers or other governmental civil servants. They might be students who are attending foreign colleges. Or they may be plain tourists who are visiting friends or seeing new places overseas.

In any event, they are all fully qualified American citizens who find themselves without the right to vote solely because of outmoded, unneeded legal technicalities.

The amendment which I have offered and which has been added to the substitute proposal would correct this unjust situation. It would protect for millions of American citizens their inherent constitutional right to vote for the officers who will lead their Nation.

The way my amendment is worded it could be included with any version of the voting rights law which the Senate

decides to pass. And, standing on its merits, it clearly should be adopted as a part of the bill which the Senate clears.

On this point, I must state that I have not fully made up my mind as to which version of the bill should pass.

Frankly, I can see some merits in both of them. But I shall have more to say on this subject later.

For now, I want to express my deep appreciation to the Senator from Pennsylvania for the kind step which he has taken today by modifying his amendment to include my own. There are millions of Americans who would benefit from his action in the event the substitute should eventually be approved. If I may speak for these citizens, let me say to the Senator that we are grateful for his endorsement of this proposal.

THE GRAVE HAZARDS OF SEWAGE SLUDGE DISPOSAL AT SEA

Mr. WILLIAMS of New Jersey. Mr. President, the recent controversy regarding the disposal of wastes into the waters off our Nation's coasts is greatly alarming. An interim progress report of the U.S. Marine Laboratory at Sandy Hook made clear that the dumping of sewage sludge just 4 miles from the New Jersey shoreline is having a tragic effect on the marine environment and beach ecology.

Based on this preliminary study and other information which I gathered, on February 20, 1970, I introduced a bill designed to cope with this problem on a nationwide basis. This past weekend I was shocked by additional evidence which came to my attention reinforcing the critical need for this proposed legislation.

On February 6, 1970, a report was submitted to the Coastal Engineering Research Center of the Department of the Army showing that sewage wastes dumped off New Jersey contain a substantial amount of materials which are known to be highly toxic and cancer producing. This study, entitled "Preliminary Analyses of Urban Wastes, New York Metropolitan Region," was conducted by M. Grant Gross of the Marine Sciences Research Center at the State University of New York, Stony Brook, N.Y. Sewage sludge samples were taken from 17 treatment plants serving 11.9 million persons in the New York-New Jersey area. And specific attention was paid to the effects of these waste discharges on man if inadvertently introduced into the human food supply. I cannot help but repeat the preliminary evidence that many of the elements found in sewage sludge dumped in New Jersey waters and affecting New Jersey residents "are common industrial materials, and are known to be highly toxic to marine organisms; some are carcinogenic."

In a different study conducted by the Scientific Advisory Committee of the Smithsonian Institution's Oceanography and Limnology Program there was a similar finding of fact:

> A great deal of data have been collected which make it clear even at this interim stage of the study that a sewage dumping area of approximately 14 square miles has been damaged. The benthic macrofauna have been severely impoverished in contrast to that of the surrounding area and several species that normally tolerate polluted conditions are absent. Also, the studies suggest that the impoverishing effect of the dredge spoil area (about 7 square miles) are at least as severe as that of the sewage sludge.

And it was these government scientists whom the Army Corps of Engineers was waiting to hear from before making any decisions regarding sewage sludge dumping sites. On February 21, 1970, the district engineer of the Corps' New York district announced that the question of moving the dumping areas further out into the ocean must be answered by the "competent scientists from the Smithsonian Institution who are working on the problem."

But after finding for themselves that the sewage-dumping area has been severely damaged and with the knowledge of the State University of New York study showing that such wastes were filled with cancer-producing materials—what did these government scientists recommend to the Corps of Engineers?

> In answer to the Corps question as to whether waste should be dumped in restricted areas as at present or dumped more evenly over the entire bottom, our advice at this time is that restricted dumping is the best course. We do not know the relationship of rates of disposal and the destruction of the benthic population. The coring program suggested above should answer these questions. Until answers are available authorization for wide dispersal of sludge and dredge spoils would run the risk of possibly destroying the benthic population in the entire area.
>
> Likewise, in answer to the question of whether cellar dirt, sewage sludge, and dredge spoils should be separated as at present or simply dumped together, we believe that the present practice of segregation is best. Dumping the material together would probably only complicate the already difficult task of studying the chemistry of these wastes. When a budget of the material entering and leaving through decomposition and current activity can be drawn up, and the relationship of the chemistry of the various wastes to each other is known, we will be in a better position to evaluate the prudence of segregation against conglomeration of wastes.
>
> The Advisory Committee recommends that the Corps attempt to maintain records of what and how much is dumped at the various waste disposal areas. This information will be valuable in eventually drawing up a quantitative budget for the waste disposal in the area.

Mr. President, it is with utter disbelief that I bring this evidence to the attention of my Senate colleagues. There is something seriously wrong here. We are told by independent researchers that wastes disposed of at sea contain highly toxic, cancerous elements. We are told by Government oceanographers that the sludge dumped into the New York Bight has impoverished the 14-square-mile disposal site. Yet, in spite of this overwhelming evidence we are told by these same Government scientists that it is best to continue the dumping off the New Jersey coast until further studies are made. Is the Corps of Engineers obsessed with science for science's sake? They have a monomania for keeping records and making complex, time-consuming analyses. But at the same time they keep dumping and dumping and dumping toxic, cancer-producing, highly dangerous wastes into our precious seas.

Even though we do not presently have all of the answers to the problem of how to deal with waste disposal at sea, it is clear from the bulk of the information available now that we have destroyed the ecological balance of current ocean dumping sites and have risked the health of persons who eat fish from these waters and who swim off nearby beaches. The Corps of Engineers is ignoring the real content of its own studies and studies available to them. Instead they seem to be following only the short-sighted, self-serving, and inconsistent conclusions of their own scientists.

As I pointed out to my Senate colleagues last week, the Army Corps of Engineers has refused to make any immediate decision requiring that sewage sludge and other industrial wastes be dumped at least 100 miles out in the Atlantic. Corps officials stated that New York and New Jersey officials were living in "ivory towers" because they did not understand the impossibility of dumping wastes further off the coast of the United States. I think that there can no longer be a question about who in fact does not understand the present reality. There is no longer time for discussion. The health and the lives of the American people cannot be compromised.

I ask unanimous consent that the report of the Marine Sciences Research Center of the State University of New York and the report of the Smithsonian Institution's Scientific Advisory Committee be printed in the RECORD.

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

TECHNICAL REPORT NO. 5: PRELIMINARY ANALYSES OF URBAN WASTES, NEW YORK METROPOLITAN REGION

(By M. Grant Gross, research oceanographer, Marine Sciences Research Center, State University of New York, Stony Brook, N.Y.)

(NOTE.—The Technical Report Series is published by the Marine Sciences Research Center, State University of New York, as a means of making preliminary technical data available to the scientific community and interested members of the lay public. Issuance of a technical report does not constitute formal publication as defined in the International Rules of Zoological and Botanical Nomenclature. Additional copies of a Technical Report may be obtained from the Marine Sciences Research Center, State University of New York, Stony Brook, New York 11790.)

ABSTRACT

Preliminary analyses were made of 17 sewage sludge samples from sewage treatment plants serving 11.9 million persons in the New York Metropolitan Region. The sludges consist of about 55 per cent organic matter, which, in turn, accounts for about 55 per cent of the total oxygen demand of the sludges. About 45 per cent of the sludge consists of aluminosilicate material, chemically similar to shale. The samples are enriched, compared to sedimentary rocks and soils, in the following elements: silver (150x), chromium (10x), copper (50x), lead (50x), tin (30x), and zinc (30x). All of these elements are common industrial materials, and are known to be highly toxic to marine organisms; some are carcinogenic. Further stud-

ies are required to determine the chemical form in which they occur in the sludges and whether they are released to organisms or to sea water after dumping or deposition of the sludges.

These preliminary analyses indicate the semi-quantitative spectrochemical analyses may be useful for determining order-of-magnitude concentrations of at least 24 elements commonly occurring in sewage sludges. Other techniques are required to detect other possible pollutants, with usable precision. Loss on ignition is a useful technique to use in analysis of organic matter (volatile matter) in sewage sludges not containing large amounts of hydrous aluminosilicates.

INTRODUCTION

Work began in August 1969 to study the chemical composition of waste solids from the New York Metropolitan Region that were dumped in the ocean. Specific attention was given to minor element concentration of these wastes which were likely to be toxic or carcinogenic to marine organisms, or to man if inadvertently introduced into the human food supply. Included in this project is the evaluation of existing analytical techniques and commercial laboratories to determine their applicability for scientific studies of these materials and to regulatory agencies requiring information about the chemical composition of the wastes. Analytical techniques found to be satisfactory, could then be used to study the dispersion of wastes in the ocean, chemical speciation, and reactions among wastes, sea water, and marine organisms.

Sewage sludges were collected in August and September 1969 by Corps of Engineers personnel from 17 sewage treatment facilities (Table 1) in the New York Metropolitan Region. These facilities serve a population of 11.9 million persons, about 75 per cent of the region's sewered population (Interstate Sanitation Commission, 1969), and many industrial concerns (Federal Water Pollution Control Administration, 1965). Consequently, the samples analyzed provide a significant sample of the solids discharged by dumping of sewage sludges. The complete sampling program will include more than a single set of samples from these plants.

Initial emphasis has been on the development of sample-handling techniques and evaluation of screening techniques for later development of analytical procedures necessary to obtain a more complete characterization of these wastes. This has proven to be a formidable task because the samples are heterogeneous in composition, unpleasant to handle, and difficult to store, grind, and homogenize. Preliminary results presented here are the initial step in a larger study and will be used primarily in developing and evaluating other more precise techniques.

TABLE 1.—PLANTS SAMPLED AND POPULATION SERVED [1]

Sample number	Plant location	Type of treatment	Population served (thousand)
690818001	Wards Island plant: Wards Island, Manhattan.	Secondary	1,470
690818002	Hunts Point plant: Loster St. and Ryawa Ave., Bronx, N.Y.	do	770
690818003	Newtown Creek plant: 329 Greenpoint Ave., Brooklyn, N.Y.	Intermediate	2,500
690818004	Bowery Bay plant: 43-01 Berrian Blvd., Astoria, Queens, N.Y.	Secondary	1,000
690818005	Tallmans Island plant: 127th St. and East River College Pt., Queens, N.Y.	do	251
690819001	Port Richmond plant: 180 Richmond Ter., Staten Island, N.Y.	Primary	60
690819003	Rockaway plant: 106-21 Beach Channel Dr., Rockaway, Queens, N.Y.	Secondary	90
690819004	Jamaica plant: 150-20 134 St., Jamaica, Queens, N.Y.	do	415
690819005	26th Ward plant: Brooklyn, N.Y	do	385
690910001	West Co. Department of Public Works: Division of Sewers, joint treatment plant, Ludlow dock (south) Yonkers, Westchester County, N.Y.	Primary	415
690904001	Sewage disposal plant No. 2: Nassau County, East Rockaway, Long Island.	Secondary	600
690904002	Glencove plant: Morris Ave., Glencove, N.Y.	do	25
690904003	Long Beach plant: Pt. of National Blvd. and Bay Long Beach, Nassau County, N.Y.	do	29
690925001	Wilson Ave. Newark Bay facility: Newark, N.J.	Primary	2,899
690925003	Joint meeting of Essex and Union Counties, 500 South 1st St., Elizabeth (Union County), N.J.	do	465
690925005	Bergen County sewer: Little Ferry, N.J	do	5
690925007	Middlesex County Sewage Authority: Sayreville, N.J.	do	500
	Total population served		11,939

[1] Interstate Sanitation Commission, 1968. Annual Report, New York. 104 pp. (available from the commission, 10 Columbus Circle, New York 10019).

SAMPLING TECHNIQUES AND SAMPLE STORAGE

Sample collection

Sludge samples were collected by Corps of Engineers personnel, placed in one-liter polyethylene jars with screw caps, and delivered the same day to the Marine Sciences Research Center where they were frozen. Jar lids were kept loose to permit gases to escape while the samples were still unfrozen.

Stored frozen samples were removed from the deep-freeze unit and thawed by placing the containers in water in a fume hood. When thawed, each sample was poured into an aluminum-foil-lined shallow tray and placed under the infra-red heaters. The shallow sludge layer commonly dried within three hours forming a flaky, fibrous solid which was sealed in a plastic bag. The aluminum foil was discarded after each sample to avoid contamination.

The samples were frozen in liquid nitrogen and ground (3–5 min) while frozen (Spex Industries Freezer Mill, model 6700). The fine powder was mixed and then placed in a labelled plastic vial for storage. Attempts to grind sludges at room temperatures using conventional grinding apparatus were unsuccessful owing to the large hair content and the tendency of the sample to char and coat the sides of the grinding chamber when heated during grinding. Both problems were avoided by use of the liquid-nitrogen grinding technique. The freeze-grinding technique will also be useful for handling polluted sediment samples containing fibrous debris.

OPTICAL EMISSION SPECTROCHEMICAL ANALYSES

Preliminary chemical analyses on the samples were made using semi-quantitative spectrochemical analyses (Harvey, 1965). This technique provides a semi-quantitative analysis for the concentration of 24 elements in the sludges. The technique does not however differentiate between those elements present in silicate minerals included in the sludges, organic matter, or newly formed phases, such as sulfides. It does however provide useful data for preliminary evaluation and establishing the concentration range, permitting realistic selection of more precise analytical techniques for future analyses.

In spectrochemical analyses a 10-milligram sample of ashed sludge mixed with 10 milligram of high purity graphite and vaporized in a D. C. arc. Light is emitted at various wavelengths characteristic of the elements in the sample. The intensity of each spectral line is a function of the concentration of that element in the sample. Intensities of selected spectral lines, corrected for background, are calculated as line-to-background ratios and multiplied by previously determined sensitivity factors for the spectral lines used. Sensitivity factors are determined by analysis of the spectrum from standard samples handled in the same manner. The technique is discussed by Harvey (1965).

TABLE 2.—COMPARISON ON SPECTROCHEMICAL ANALYSES OF STANDARD ROCK SAMPLES WITH THE PREFERRED ANALYTICAL DATA

[In percent]

Element	Sulfide Ore-1		Syenite Rock-1		Tonalite T-1	
	Source [1]	Source [2]	Source [1]	Source [3]	Source [1]	Source [3]
Si	15	16.2	13	27.8	17	29.3
Al	4.7	5.1	2.7	5.1	12	8.8
Fe	25	24	1.8	6.0	2.2	4.2
Ti	0.48	0.47	0.35	0.29	0.54	0.36
Mn	0.082	0.06	0.10	0.25	0.044	0.06
Ca	2.1	2.9	8.5	7.2	2.8	3.7
Mg	2.1	2.4	2.5	2.5	1.1	1.1
Na	0.43	0.74	2.5	2.6	3.7	3.3
K	0.2	0.50	6.0	2.3	4.7	1.0
P	0.5	0.04	0.5	0.09	0.5	0.06
Ba		0.02	0.05	0.03	0.05	0.068
B	0.002	0.002	0.003	0.01	0.002	0.001
Co	0.05	0.05	0.002	0.002	0.004	0.0013
Cr	0.03	0.036	0.01	0.005	0.006	0.0024
Cu	0.5	0.8	0.002	0.002	0.007	0.0047
Ni	1.1	1.3	0.06	0.004	0.001	0.0013
Pb	0.05	0.02	0.08	0.05	0.03	0.0037
Sr	0.01	0.01	0.01	0.03	0.02	0.041
V	0.004	0.02	0.004	0.009	0.007	0.0096
Zr	0.003	0.01	0.09	0.3	0.02	0.017

[1] Pacific Spectrochemical Laboratories, Inc., Sept. 29, 1969.
[2] Weber, G.R., 1965. Second report of analytical data for CAAS syenite and sulphide standards. Geochemica et Cosmochimica Acta. 29:229–248.
[3] W. K. L. Tho mas, 1963. Standard Geochemical sample T–1. Supplement 1. Pt. 1. Chemical analysis of T–1. Geological Survey Division, Ministry of Commerce and Industry, Government Printer, Dar Es Salaam.

Accuracy and precision of spectrochemical data

Accuracy of the analyses was checked by submitting a set of analyzed standard rock samples for analysis along with several samples of sludges. The results (Table 2) indicate that the data agree within an order of magnitude and usually within a factor of 5 for all elements; the data are least satisfactory for P, Pb, and Ni. Spectrochemical analyses are not completely insensitive to the chemical form of the element. Best agreement was obtained with the sulfide ore standard sample that most closely correspond to the composition of the sludges. Less satisfactory agreement was obtained with silicate rock samples (Syenite rock-1, Tonalite T-1). These results indicate that the analytical results are accurate to within an order of magnitude and are thus useful for preliminary analyses, screening of samples and planning of other analytical procedures.

Most of the data are within a factor of 2 or 3 of the preferred analyses of the standard samples.

Two possible sources of error were investigated. These were: (1) sample heterogeneity causing different subsamples to differ significantly in chemical composition; and (2) variation between analyses performed at different times. The data (Table 3) suggests that sample heterogeneity is a severe problem. Three different subsamples were taken from a single sludge sample, each was separately ground and analyzed. These data indicate that the variability in the results is especially severe for Ba, Cr, Cu, K, Ni, and Pb. For other elements, the variability is within the two-to-three-fold variability expected of semi-quantitative analyses.

Variation between analyses performed at different times (Table 4) is usually within a factor of two times the amount reported. For example, a value reported as 0.1 per cent would normally lie between 0.05 and 0.2 per cent. These data are quite useful for screening purposes. Other elements, including Co, Cr, K, Na, Ni, Mo, and Pb, exhibit 5-fold variation (values range from 5 to 1/5 times the amount reported); these data are therefore useful only to indicate order of magnitude concentrations. For example a value reported as 1 per cent might be from 5 per cent to 0.2 per cent.

Although this technique of spectrochemical technique provides data (Table 5) for 24 elements there are several potentially troublesome elements in sewage sludges that can not be detected by this technique, including As, Be, Bi, Cd, Ce, Ga, Hg, Sb, Th, Y, Yb (Table 6). Several of these elements are known to be toxic or carcinogenic (Figure 2) to marine organisms (Bowen, 1966). Their concentrations in the sludges should be checked. This problem is currently under investigation, using other more sensitive techniques.

TABLE 3.—SPECTROCHEMICAL ANALYSES OF REPLICATE SAMPLES FROM UNMIXED SAMPLES

[In percent]

	6908–190031 Sept. 29, 1969	6908–190032 Sept. 29, 1969	6908–190033 Dec. 10, 1969		6908–190031 Sept. 29, 1969	6908–190032 Sept. 29, 1969	6908–190033 Dec. 10, 1969
Silicon	11.0	12.0	11.0	Silver	0.0035	0.0020	0.0015
Iron	1.8	1.8	1.1	Sodium	2.1	1.1	1.6
Aluminum	5.0	4.1	3.0	Zinc	.30	.38	.12
Calcium	1.6	3.0	1.8	Zirconium	.014	.017	.010
Magnesium	.77	.99	.73	Cobalt	.0080	.0049	.0053
Copper	.20	.23	.056	Potassium	1.3	.69	2.1
Barium		.046	.050	Strontium	.012	.0071	.0095
Boron	.0031	.0053	.0020	Arsenic	.06		
Phosphorus	.52	.84	.37	Mercury	.09		
Titanium	.85	.51	.29	Antimony	.008		
Lead	.18	.17	.016	Thallium	.10		
Manganese	.039	.027	.0095	Beryllium	.0003		
Chromium	.37	.21	.035	Gallium	.003		
Nickel	.061	.039	.012	Yttrium	.009		
Bismuth				Ytterbium	.004		
Molybdenum	.0087	.0084	[1]	Cerium	.04		
Tin	.056	.035	.024	Other elements	[3]	[3]	[3]
Vanadium	.014	.0084	.0079	Loss on ignition (sulfate ash)	40.40	38.55	52.50
Cadmium	[2] .006						

[1] Trace.
[2] Not detected, concentration less than value listed.
[3] Nil.

TABLE 4.—SPECTROCHEMICAL ANALYSES OF DUPLICATE SAMPLES AFTER GRINDING AND MIXING. ANALYSES MADE AT DIFFERENT TIMES

[In percent]

	6908–19001		6908–19004		6908–18002		6908–18005	
	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969	Sept. 29, 1969	Dec. 10, 1969
Silicon	9.4	11.0	16.0	14.0	9.0	8.9	9.5	10.0
Iron	1.4	1.9	2.3	1.8	2.0	2.6	1.8	1.5
Aluminum	4.6	4.1	3.0	3.0	4.3	2.5	4.8	2.7
Calcium	1.6	1.5	2.4	2.4	1.3	1.8	1.5	1.4
Magnesium	1.0	.8	.72	.83	.89	.69	.82	.80
Copper	.19	.15	.16	.11	.13	.14	.13	.11
Barium	.068	.066	.076	.065	.045	.059	.063	.042
Boron	.0030	.0030	.0024	.0025	.0038	.0024	.0036	.0034
Phosphorus	.37	.51	1.0	.11	1.3	.91	.63	.70
Titanium	.83	.47	.49	.39	.48	.38	.53	.27
Lead	.18	.056	.084	.065	.096	.055	.089	.056
Manganese	.019	.025	.047	.047	.024	.017	.030	.040
Chromium	.47	.23	.14	.071	.32	.11	.22	.085
Nickel	.048	.048	.043	.025	.023	.19	.046	.033
Bismuth	[1] .002		[1] .002		[1] .002			
Molybdenum	.0075	.0037	.0083	[2]	.0070	.0016	.0076	[2]
Tin	.056	.031	.049	.39	.039	.034	.037	.022
Vanadium	.013	.013	.0073	.0039	.010	.015	.0082	.0080
Cadmium					[1] .006			
Silver	.0031	.0028	.0025	.0021	.0022	.0014	.0027	.0021
Sodium	2.6	1.7	1.3	.65	1.8	1.2	1.4	1.1
Zinc	.26	.23	.26	.26	.36	.25	.17	.17
Zirconium	.020	.013	.013	.011	.011	.012	.013	.012
Cobalt	.0094	.0052	.0083	.0029	.0089	.0036	.0055	.0031
Potassium	1.8	2.7	.76	1.1	.83	2.7	.83	1.8
Strontium	.013	.014	.010	.011	.0014	.0015	.011	.0075
Arsenic					[1] .06			
Mercury					[1] .09			
Antimony					[1] .008			
Thallium					[1] .10			
Beryllium					[1] .0003			
Gallium					[1] .003			
Yttrium					[1] .009			
Ytterbium					[1] .004			
Cerium					[1] .04			
Loss on ignition (sulfate ash)	41.6	46.25	36.8	48.40	47.70	53.75	49.00	55.40

[1] Not detected, concentration less than value listed.
[2] Trace.

TABLE 5.—SPECTROCHEMICAL ANALYSES OF SEWAGE SLUDGES, NEW YORK METROPOLITAN REGION [1]

	New York City								
	Wards Island	Hunts Point	Newtown Creek	Bowery Bay	Tallmans Island	Port Richmond	Rockaway	Jamaica	26th Ward
Silicon	7.0	8.9	11.0	10.0	10.0	11.0	11.0	[2] 14.0	9.50
Iron	1.0	2.6	1.2	[3] 3.2	1.5	1.9	1.1	1.8	.97
Aluminum	1.7	2.5	2.5	2.7	2.7	[2] 4.1	3.0	3.0	3.0
Calcium	1.2	1.8	3.7	1.6	1.4	1.5	1.8	2.4	2.1
Magnesium	.63	.69	.59	[3] .84	.80	.80	.73	.83	.63
Copper	.056	.14	.16	.19	.11	.15	.056	.11	.088
Sodium	[2] 2.0	1.2	1.3	1.7	1.1	1.7	1.6	.65	1.1
Titanium	.17	.38	.23	[2] .56	.27	.47	.29	.39	.24
Chromium	.050	.11	.080	.25	.085	.23	.035	.071	.11
Potassium	2.5	[2] 2.7	1.7	2.7	1.8	[2] 2.7	2.1	1.1	1.0
Phosphorus	.29	.91	.65	.77	.70	.51	.37	[3] .11	.30
Barium	[3] .040	.059	[3] .10	.071	.042	.066	.050	.065	.048
Boron	.0016	.0024	.0034	.0020	.0034	.0030	.0020	.0025	.0017
Lead	[4] .005	.055	[2] .12	[2] .12	.056	.056	.016	.065	.023
Manganese	.014	.017	.021	.029	.040	.025	.0095	.047	.015
Nickel	.0069	.019	.025	[2] .090	.033	.048	.012	.025	.026
Molybdenum	.0011	.0016	.0033	.0039	[4] .002	.0037	[3,4] .002	[5]	.0021
Tin	.021	.034	.028	.048	.022	.031	.024	.039	.029
Vanadium	.0076	[2] .015	.0059	.011	.0080	.013	.0079	.0039	.0073
Bismuth	[5] .002		[4] .002	[5] .002		[5] .002		[4] .002	[5] .002
Silver	.0015	.0014	.0016	[2] .0033	.0021	.0028	.0015	.0021	.00092
Zinc	[3] .069	.25	.24	[2] .29	.17	.23	.12	.26	.16
Zirconium	.0053	.012	.027	.021	.012	.013	.010	.011	.0068
Cobalt	.0015	.0036	.0039	[2] .0061	.0031	.0052	.0015	.0029	.0029
Strontium	.0096	[2] .015	.0097	[2] .015	.0075	.014	.0095	.011	.092
Arsenic	[5] .06					[5] .06			
Mercury	[5] .09					[5] .09			
Antimony	[5] .008					[5] .003			
Thorium	[5] .10					[5] .10			
Beryllium	[5] .0003					[5] .0003			
Gallium	[5] .003					[5] .003			
Yttrium	[5] .009					[5] .009			
Ytterbium	[5] .004					[5] .004			
Cerium	[5] .04					[5] .04			
Other elements	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
Loss on ignition (sulfate ash)	64.55	53.75	49.10	47.90	55.40	46.25	52.50	48.40	59.00

	Nassau County, N.Y.			New Jersey				
	Nassau County No. 2	Glencove	Long Beach	Newark Bay	Elizabeth	Bergen County	Middlesex County	New York—Yonkers
Silicon	8.0	6.6	8.3	[3] 5.6	6.1	10.0	5.3	12.0
Iron	1.3	[3] .50	1.3	.54	.69	1.4	.79	1.9
Aluminum	1.9	1.8	[3] 1.3	2.0	1.3	4.5	1.0	1.9
Calcium	1.4	.81	5.5	.52	.95	1.1	.57	2.0
Magnesium	.52	.36	.55	[3] .22	.47	.75	.25	.86
Copper	.13	[2] .34	.047	[3] .038	.059	.081	.044	.15
Sodium	.62	[3] .25	.64	.47	.75	.39	.15	.63
Titanium	.23	.17	.24	.25	.26	1.2	.72	.26
Chromium	.17	.064	.020	.15	.14	[2] .81	.021	.063
Potassium	.69	.36	.47	.34	.78	.81	.18	1.7
Phosphorus	1.3	.28	.77	.29	.56	[2] 2.1	.78	.92
Barium	.045	.053	.051	.045	.041	.069	.072	.046
Boron	[2] .0038	.0013	.0020	[3] .0011	.0020	.0031	[3] .0038	.0030
Lead	.049	.042	[3] .035	.050	.023	.069	.035	.092
Manganese	.023	[3] .0078	.021	.034	.019	.044	.011	[2] .050
Nickel	.026	.031	.0085	.019	.017	.019	[3] .0044	.026
Molybdenum	[3,4] .002	.0025	[3,5] .002	.0050	[2] .0091	[3,4] .002	[3,5] .002	.0080
Tin	.033	.064	.023	.0068	.028	.019	.0091	.032
Vanadium	.00073	.019	[4] .002	.0019	.0023	.0034	.0035	.0027
Bismuth	[3,4] .002				[5] .002			[5] .002
Silver	.0016	.0023	.0011	.00072	.0016	.0015	[3] .00035	.0019
Zinc	.17	.12	.16	.15	.12	.13	.082	.27
Zirconium	.0048	.0084	[3] .0047	.0081	.0069	.0081	.0094	[2] .036
Cobalt	.0026	.0015	.0030	.0059	.0034	.001	.00082	.0026
Strontium	.0059	.0042	.0085	.0045	.0041	.0081	.0041	.0091
Arsenic	[5] .06				[5] .06			
Mercury	[5] .09				[5] .09			
Antimony	[5] .008				[5] .008			
Thorium	[5] .10				[5] .10			
Beryllium	[5] .0003	[5] .0003	[4] .0003	[5] .003	[5] .0003			[4] .0003
Gallium	[5] .003			.0014	[5] .003	[4] .003	[5] .003	[4] .003
Yttrium	[5] .009				[5] .009			
Ytterbium	[5] .004				[5] .004			
Cerium	[5] .04				[5] .04			
Other elements	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
Loss on ignition (sulfate ash)	65.25	75.15	57.10	77.85	73.70	50.60	79.13	52.80

[1] Analyst: H. W. Johnson, Pacific Spectrochemical Laboratories.
[2] Maximum value for element.
[3] Minimum value for element.
[4] Trace, less than.
[5] Not detected, less than.
[6] Nil.

TABLE 6.—REPRODUCIBILITY OF SPECTROCHEMICAL ANALYSES IN GROUND, WELL-MIXED SEWAGE SLUDGES

Semiquantitative (±0.5 times amount reported)	Qualitative (±5 times amount reported)	Insufficient sensitivity
Si, Fe, Al, Ca, Mg, Cu, Ba, P(?), Mn(?), Ag, Zn, V, Ni(?), Sr, Zr	Mo, Na, Pb, Cr, K, Co, Sn	Cd, Bi, As, Hg, Sb, Th, Be, Ga, Y, Yb, Ce

Application of spectrochemical analyses

Preliminary results from spectrochemical analyses suggest that they have substantial promise as a screening analytical procedure, useful to obtain information about the order-of-magnitude concentrations for many common industrial pollutants. The technique is relatively simple, rapid, inexpensive, and useful for the analysis of small samples of a wide range of pollutants and polluted substances. The results are relatively insensitive to the chemical form of the element. Among the disadvantages are the fact that spectrochemical analyses do not provide information about the chemical form of the element in the substance analyzed. Consequently the data provide little information about an element's probable behavior in the ocean or its availability to marine organisms.

The decision whether to use spectrochemical analyses depends on the precision required. If the material to be analyzed varies widely in concentration, then spectrochemical analyses can provide useful information. On the other hand, if variations of a few per cent are significant or if information about chemical species is essential, then spectrochemical analyses have little utility. We are continuing our analysis of the samples to obtain more information which will permit a better evaluation of spectrochem-

ical analyses as a screening tool at the termination of the project.

CARBON ANALYSES

Carbon, the most abundant element in sewage sludges, has received particular attention. Attempts have been made to characterize the carbonaceous compounds in sewage sludges because oxygen-demanding substances and their potential to marine organisms as a food source. Furthermore, common and relatively simple analytical procedures for determining organic matter and carbon (Table 7) in sludges have been evaluated to determine their utility in routine analyses of sludges for monitoring or tracer experiments.

The simplest technique to determine the abundance of organic matter in sludges is the loss-on-ignition (LOI) procedure where a preweighed sample is heated at 550°C for one to four hours and the weight loss (in per cent) is used as a measure of the amount of organic matter, also known as volatile matter (American Public Health Association, 1965, p. 425). Loss on ignition was determined in conjunction with the spectrochemical analyses. These data are compared (Figure 3) to the total carbon content as determined by dry combustion in CO_2-free oxygen at 1500°C in an induction furnace with the CO_2 given off analysed by gasometric techniques. Precision and accuracy of the total carbon (C-Total) analyses is about 3 per cent with a normal yield of about 95 per cent of the theoretical carbon content for simple sugars and carbohydrates (Gross, in press). Comparison of the LOI data and total carbon data indicates good agreement (±10 per cent). Total organic matter as determined by LOI techniques indicates that it is about 1.9 x total carbon; this is in good agreement with the values of 1.8 reported by previous studies of the relationship between carbon content and organic matter in soils (Jackson, 1958).

Carbon occurs in several different forms: (1) elemental carbon such as coal or graphite; (2) carbonate carbon, and (3) as organic matter. All three forms are recovered with good accuracy and precision by the high-temperature dry-combustion technique. Carbonate carbon is determined by collecting the CO_2 evolved after the sample is acidified. Results of these analyses (Table 8) indicate that carbonate-cabonate is not abundant in the sludge samples analyzed and can generally be ignored without introducing substantial error.

Oxidizable carbon was determined by wet combustion using 0.4 N $K_2Cr_2O_7$ in H_3PO_4 heated to 160°C. Carbon dioxide evolved was analyzed to determine the abundance of oxidizable carbon. These data (Table 8) indicate that an average of about 65 per cent of the total carbon was decomposable by this technique. Oxidizable carbon would presumably be most significant as the oxygen-demanding carbon species when present in water or possibly useful for organisms as a food source.

TABLE 7.—ANALYTICAL TECHNIQUES

Property measured (quantity reported)	Technique	Estimated precision
Minor element concentration (percent by weight)	Optical emission spectroscopy	Semiquantitative, or order of magnitude.
Total carbon (percent by weight)	Combustion in O_2 at T>1500° C, CO_2 analyzed	Quantitative, ±2 percent of amount reported.
Carbonate-carbon (percent by weight)	Acidification (H_3PO_4) CO_2 analyzed after heating sample	Quantitative, ±10 percent of amount reported.
Oxidizable carbon (percent by weight)	$K_2Cr_2O_7$ in H_3PO_4, heated to 160° C analyzed	Quantitative, ±5 percent of amount reported.
Reducing capacity (MEQ/g)	$K_2Cr_2O_7$ in H_3PO_4, heated to 160° C, excess Cr_2O_7 back titrated with $Fe(NH)(SO_4)$.	Quantitative, ±5 percent of amount reported.
Sulfide (MEQ/g)	Acidification (HCl) of sample with As-free Zn, H_2S precipitated in Zn acetate solution. Excess iodine and HCl added, back titrated with Na Theosulfate.	Semiquantitative ±10 percent of amount reported.

Excess $K_2Cr_2O_7$ remaining after oxidation of the organic carbon and other reducible species was determined by back-titration with ferrous ammonium sulfate. This technique provides an estimate, similar to the standard COD analysis of the total oxygen-demanding substances in the sludges. The data (Table 8) indicate that approximately 55 per cent of the total reducing capacity (or oxygen demand) of the sludges is due to oxidizable carbon compounds. We are now working to determine the nature of the other oxygen-demanding substances in the sludges.

The sulfide concentration in the sludges was determined (Table 8) to see if sulfide species might contribute significantly to the reducing capacity of the sludges, but little sulfide is present in the samples when analyzed. None of the samples smelled of H_2S when delivered.

Several sludges had a strong petroleum odor when dried. Analyses of hexane extractable materials is planned for later in the project.

TABLE 8.—SOME CHEMICAL PROPERTIES OF SEWAGE SLUDGES, NEW YORK METROPOLITAN REGION

Sample number	Carbon				Reducing capacity (MEQ/g)	Sulfide (MEQ/g)
	Total (percent)	Carbonate (percent)	Oxidizable-Carbon (percent)	Oxidizable-Carbon (MEQ/g)		
690818001	34.4	0.5	21.8	72.7	131.2	0.1
690818002	31.8	0	23.5	78.3	118.2	.3
690818003	30.8	1.5	20.9	69.7	114.1	.4
690818004	28.5	0	18.3	61.0	110.2	.2
690818005	28.4	.3	20.9	69.7	110.1	.2
690819001	25.4	.3	18.1	60.3	123.8	.3
690819003	29.6	.2	21.1	70.3	127.9	.3
690819004	27.8	.1	20.3	67.7	106.3	.3
690819005	36.4	2.0	18.8	62.7	120.4	.2
690904001	31.7	0	21.5	71.6	117.2	.2
690904002	40.9	0	22.9	76.3	139.4	.2
690904003	28.9	0	17.9	59.7	118.7	.2
690910001	29.9	0	17.9	59.7	110.1	.2
690925001	39.7	0	27.7	92.3	162.4	.2
690925003	41.9	0	23.1	77.0	153.2	.2
690925005	17.7	0	13.2	44.0	95.8	.1
690925007	47.2	0	25.7	85.7	181.2	.1
Average	32.4	.3	20.8	69.3	125.9	.2

Note: Analyst; Y-J Liang, Marine Sciences Research Center, State University of New York, Stony Brook, N.Y.

Carbon analyses of sludges

Data now available now suggest that total-carbon or loss-on-ignition analyses are useful techniques to estimate the amount of organic matter in sludges or sludge-polluted sediment. Total carbon analyses are the most precise but require expensive equipment and a trained technician. Loss on ignition appears to provide useful data, accurate to ±10 per cent, and can be done with simple equipment by relatively unskilled personnel. The loss-on-ignition technique is most satisfactory in samples where other components such as silicate minerals are anhydrous and do not, therefore, break down on heating. Loss-on-ignition tests are often seriously in error for clay-rich samples owing to the decomposition of clay minerals.

DISCUSSION OF ANALYTICAL DATA

Despite the limitations of the techniques used for these preliminary studies, the data provide some interesting information about the general composition of sewage sludges. The loss-on-ignition data and organic contents calculated from total carbon analyses indicate that the sludges are about 55 per cent organic matter by weight. The available analytical data provide little information about the probable composition of this organic matter except that about 65 per cent of the organic matter is oxidizable by $K_2Cr_2O_7$ and constitutes about 55 per cent of the total oxygen demand of these materials (Table 8).

Alumino-silicates, chemically analogous to shales (Pettijohn, 1957 p. 106) make up about 45 per cent of the sludges. Comparison of the chemical composition of these alumino-silicates and sales (Table 9) suggest that the silicates in the sludges are enriched in Ti, Ca, and Na by a factor of about two.

Because of their apparent similarities to sedimentary rocks and soils, I have compared the minor element composition of the sludges analyzed to these naturally occurring deposits. From these data it appears that several potentially toxic or carcinogenic elements are significantly enriched in the sludges: Ag (150x), Cr (10x), Cu (50x), Pb (50x), Sn (30x), and Zn (30x). All of these elements are common industrial materials, and most have been widely recognized as waterborne pollutants in other areas (Bowen, 1966). It is interesting to note that all these elements are known to be enriched in the organic (humus) parts of soils. As yet we have no data on their occurrences in the sludges but will attempt to determine if they are more abundant in the organic or nonorganic phases.

Based on these preliminary data, it is not possible to estimate the toxicity of these elements in the sludges. If they are available to marine organisms (which is not yet proven) then it is important to determine the valence and chemical speciation as the toxicity to organisms and chemical reactions in sea water will be controlled by such factors.

TABLE 9.—ABUNDANCE OF MAJOR ELEMENTS IN TYPICAL SEWAGE SLUDGE AND NATURAL SEDIMENT DEPOSITS

[In percent]

Sewage sludges				Sedimentary rocks	
As element	As oxides		Carbon-free sludge [1]	Shale [2]	Sandstone
Si	10	SiO_2	21.4	63.6	58.1	78.3
Ti	.25	TiO_2	.4	1.2	.65	.25
Al	2.5	Al_2O_3	4.8	14.3	15.4	4.8
Fe	1.3	FeO	1.7	5.0	6.1	1.3
Mg	.6	MgO	1.0	3.0	2.4	1.2
Ca	1.5	CaO	2.1	6.2	3.1	5.5
Na	.75	Na_2O	1.0	3.0	1.3	.45
K	1.0	K_2O	1.2	3.6	3.2	1.3
C	31	Organic [2]	56		.80	
P	.55	P_2O_5	1.2		.17	.08
		CO_2			2.6	5.0

[1] Chemical composition recalculated, and adjusted to 100 percent after subtracting carbon and phosphorus content.
[2] Pettijohn, F. J., 1957, p. 107. Fe_2O_3 recalculated as FeO.

Occurrences of minor elements in sludges

Analysis of the data reveals that the minor element concentrations tend to form two clusters. Those plants serving the highly industrialized metropolitan districts tend to the highest concentrations of typical industrial pollutants. New York City's Bowery Bay plant (Table 5) had the highest Fe, Mg, Ti, Pb, Ni, Ag, Zn, Co, and Sr. Similar but slightly lower concentrations occurred in sludges from plants in Hunts Point, Bergen County, New Jersey and Yonkers, New York. The second group includes primarily residential areas such as Long Beach, Nassau County, N.Y. and Newark Bay, N.J. It is interesting to note, however, that the highest Cu concentrations were found in sludges from Glen Cove.

The next step in the data analysis will be to take the data reported here together with additional analyses and to analyze them with a computer program for factor analysis. From this approach one can obtain a clearer picture of which elements tend to occur together and to select the best element to use as a tracer for specific groups of industrial or municipal pollutants.

SITE VISIT REPORT: STONY BROOK AND SANDY HOOK

On December 17 and 18, 1969 the Scientific Advisory Committee selected by the Oceanography and Limnology Program of the Smithsonian Institution visited the Marine Sciences Research Center at Stony Brook, Long Island, and the laboratories of the Bureau of Sport Fisheries and Wildlife at Sandy Hook, New Jersey. The objective was to review the work being conducted at these two locations concerning the disposal of solid wastes in the New York Bight area. This work is being supported by the Department of the Army, U.S. Corps of Engineers.

MEMBERS PRESENT

December 17

William Aron, SI.
Martin A. Buzas, SI.
B. H. Ketchum, WHOI.
J. L. McHugh, Interior.
Virgil J. Norton, URI.
Donald O'Connor, Manhattan College.
Observers: Kenneth Osborn, CERC, Louis Pinata, COE, Robert H. Wuestefeld, COE.

December 18

William Aron.
Martin A. Buzas.
James H. Carpenter, Johns Hopkins (for Donald W. Pritchard).
B. H. Ketchum.
J. L. McHugh.
Robert Thomann (for O'Connor).
Observers: Kenneth Osborn, Louis Pinata, Robert H. Wuestefeld.

Dr. Donald W. Pritchard and Dr. Karl M. Wilbur are members of the Review Committee but could not participate in the site visits.

REVIEW OF EXISTING PROGRAMS

1. Stony Brook (Gross): The work at Stony Brook is concerned with the chemical characteristics of the source material, and is clearly an important part of the overall problem. The trace metal studies may be valuable in determining the toxicity of different sources of waste materials, and may also serve as a means of identifying different sources of sludge in the natural environment. The methods seem to be well thought out and logical, with the original screening by emission spectroscopy followed by atomic absorption spectroscopy for specific element. No data were presented at our meeting so that it is impossible to evaluate how much promise the trace element methodology holds to serve the two objectives listed above. The state of the element (whether as mineral, as sulfides, or as readily soluble forms) is also being determined. This would give clues as to the availability or toxicity of elements to organisms.

The major characteristics of each of the sludge samples, including the grain size and settling rate, the total organic carbon, the chemical oxygen demand, and the sulfide content are also being determined. The first two of these would be important in order to evaluate how far the material might be transported by ocean currents. The studies of organic chemistry should be more detailed than is proposed, since the character of the organic carbon present will have more to do with its rate of decomposition than will the total amount of organic carbon. Difficulties encountered in sample preparation for analyses have greatly delayed the study, but these difficulties are now apparently resolved. Because of these delays, however, all of the proposed studies may not be completed. Only six months are left in the study and up to the time of our meeting efforts have been concentrated on samples from some sewage plants and on limited bottom samples taken by the Sandy Hook Laboratory in the sewage sludge area.

On the whole the program being conducted at Stony Brook seems to be progressing well. Careful attention should be given to establishment of sampling design suitable for statistical analysis. The Investigator has, or is planning to obtain, multiple sources of funds to carry on this work. We believe that he should be asked to report to the Corps concerning his entire program wherever it impinges upon the objectives of this particular investigation.

2. *Sandy Hook* (Walford, Pearce, Drexler, Gibson, Wicklund): There are four main parts to the investigations which will be discussed below. Dr. Walford introduced these, and named the various organizations with whom they are carrying on cooperative investigations. It is commendable that they have initiated these cooperative investigations in specific areas where the competence at Sand Hook is not sufficient to handle the problem.

a. *Circulation:* The circulation is being studied by taking hydrographic stations periodically at 27 locations in the Bight, and also by releasing drift bottles and seabed drifters at these locations to determine net flow. It is proposed to make direct current measurements, but none of these were available for discussion.

A tremendous amount of data has been accumulated and are presented in the report. There has been virtually no interpretation as yet. The one interpretation presented in the report was based upon falacious reasoning; the plots of bottom temperatures and salinities show the change of these characteristics with depth of the water column and do not necessarily reflect a flow of water which was the interpretation. If the interpretation of the tremendous amount of data which has been collected is to be of value to the program, the assistance of a physical oceanographer is needed, but this support is not available at Sandy Hook. Although cooperation with WHOI in the draft bottle and seabed drifter analyses is already underway, a physical oceanographer should be consulted as soon as possible to supervise the collection of further data and the analysis of the data already obtained.

b. *Chemistry:* Phosphorous compounds, nitrate, chlorophyll and heavy metals are being measured. The analyses for the heavy metals are being made by Sandy Hook personnel at the Federal Water Pollution Control Administration (FWPCA) laboratory at Metuchen, using the atomic absorption spectrometer. Sediments were analyzed for lead, chromium and copper. The dredge spoil area had high concentrations of hydrophobic materials. Tissue analysis for heavy metals on a worm and a clam indicated concentrations of chromium and lead higher than that recommended as acceptable by the FWCPA. At present the results are regarded as only tentative. Evidently many of the samples frozen for various analyses have yet to be analyzed.

The proposed measurement of phosphorus and nitrogen periodically at fixed locations will probably be of little use in evaluating disposal operations. The concentrations of these nutrients in coastal waters are already fairly well known. The very high concentration of phosphorus found at several stations could be due to a recent dump. Samples taken before, during, and after dumping would be required to show how much fertilizer is added and how rapidly it disperses. It is conceivable that a close network of samples following a dump could show the direction of currents and rate of mixing using the nutrients as a tracer. This would require, however, a very different plan of operation than the one proposed.

The study of the distribution of heavy metals in sediments and organisms should be closely coordinated with the studies at Stony Brook. This would insure consistent methods and help to avoid unnecessary duplication of work. In the opinion of the Advisory Committee, Dr. Grant Gross should be assigned the responsibility for this coordination.

c. *Pelagic studies:* Stations are sampled monthly and in some cases semi-monthly for zooplankton. Over 700 samples have been taken to date, but the report indicates many of these are not yet analyzed. As might be expected, the zooplankton show seasonal periodicity in abundance and composition, but do not clearly show any direct effects of the disposal operations. Limited observations indicated that water from the sewage sludge area inhibits phytoplankton growth. The report does not indicate whether or not these studies are continuing.

Trawls for finfish again indicate, as expected, seasonal periodicity. Fish were found in the sewage and dredge spoil areas. It is not known if these fish are taking up the high concentration of heavy metals in these areas. It was indicated that there is a high incidence of fin rot disease which apparently originated in the New York Bight area.

Studies of zooplankton and fishes have limited value to the evaluation of the disposal operation. The water masses are not static, nor are the animals. Most, if not all, species in the area are seasonal migrants and the geographic ranges of the species listed are very much greater than the relatively small area affected by waste disposal. During these migrations these fish are subject to a multitude of factors that affect their abundance, their size, growth rates and other characteristics. It would be significant if it could be demonstrated that fishes are excluded from the area affected by disposal operations.

The results obtained to date do not show clearly any direct effects of the disposal operations, and the committee is not sure that they would be expected to. The circulation in this general area is quite rapid, and the zooplankton would be moved in and out of the dump area rather quickly. To evaluate the effect of the disposal operations on zooplankton, observations could be taken directly behind the barge rather than at fixed locations as is now being done, although we recognize the difficulty of sampling in this manner. Toxicity and behavioral studies in the laboratory are planned, but it was pointed out in our discussions that adequate controls are essential for such studies, and the preliminary report does not indicate that adequate controls are being used.

3. *Benthic:* By far the most useful part of the research being undertaken at Sandy Hook is the work on benthic organisms and sediments. The data on sediments indicate that dredge spoil and sewage sludge can be recognized by their grain size distribution. Analyses of the organic content of the sediment indicates that the organic matter in the dredge spoil area remains confined, while in the sewage sludge area there is considerable dispersal to the east and northeast.

The dredge spoil area and sewage sludge area are devoid of any normal benthic invertebrate populations In the summer months these areas are depleted of dissolved oxygen. At each sludge site the part devoid of life appears to be a circular area of about 2 miles (Fig. 27), which suggests that the portion affected is about 6 square miles. The area in which amphipods (generally more sensitive than most other major benthic organisms) are affected may be considerably larger, but the report is not specific on this point. Charts showing the distribution and abundance of amphipods and other common benthic organisms would be helpful.

Experiments carried out on horseshoe crabs, lobsters, crabs, and snails in aquaria suggest that sewage sludge and dredge spoil produce infections in these animals. The experimental design of these studies should include replication so that the data can be treated statistically.

At the meeting at Sandy Hook it was reported that there was a good set of surf clams this last year. Studies of the rate of growth of these on a transect including both contaminated and uncontaminated bottom sediments would be valuable in order to evaluate the effect of waste disposal on this important commercial species. Other than samples collected for this specific purpose, it does not seem necessary to do much more extensive field work in the Benthic studies during the balance of the contract period.

GENERAL CONSIDERATIONS AND RECOMMENDATIONS

The circulation in the New York Bight is rapid and variable, depending upon tides, river flow, and winds. There are isolated spots of upwelling, and there is a landward indraft of seawater to provide the source necessary for mixing in the Hudson River and other estuaries of the area. A great deal of data have been collected which make it clear even at this interim stage of the study that a sewage dumping area of approximately 14 square miles has been damaged. The benthic macrofauna have been severely impoverished in contrast to that of the surrounding area and several species that normally tolerate polluted conditions are absent. Also, the studies suggest that the impoverishing effect of the dredge spoil area (about 7 square miles) are at least as severe as that of the sewage sludge. The interim report, however, does not permit evaluation of the rate of spreading, or the possible synergistic effects resulting from the interaction of solid wastes and the approximately one billion gallons of sewage effluent which enter the New York Bight daily.

In general, the Advisory Committee agreed that the Sandy Hook Laboratory has undertaken too much for its facilities and staff to handle adequately. The breadth of some of the problems, pelagic studies for example, is greater than needed, and only distantly related to the present study. The panel believes that Sandy Hook should concentrate its efforts in areas of obvious strength such as in benthic ecology. Studies of hydrography and chemistry should be carried out in cooperation with other laboratories wherever competent scientists are available. A greater effort should be made in general to communicate with other laboratories on a regular basis.

The chemical investigations at Stony Brook and at Sandy Hook should be closely coordinated. It is clear that this is not being adequately done at present. Gross, although he has not submitted a report nor presented us with any data, appears to have a better command of the subject than anyone at Sandy Hook and should be the coordinator in charge of these investigations.

At this point, it seems apparent that several of the questions asked by the Corps will not be answered by the research currently underway. Several of the studies suggested in the report prepared by Gross and Wallen are not being carried out at present. Some of these are fundamental in answering the Corps questions.

One of the most serious gaps in our knowledge is that the geometric configuration (in three dimensions) of the waste material is unknown. A rough calculation given below indicates that much of the sludge dumped over the last forty years may still be in place on the bottom. If true, this would indicate that the rate of decomposition in the marine environment is very slow and raises a danger signal that we may already have exceeded safe limits of disposal. The assumptions underlying this calculation, however, are numerous, and facts are needed in order to justify them. The assumptions and the calculation follow:

Sludge disposed, 1968	$= 40\times10^6$ cubic yards.
5% solids	$= 2\times10^6$ cubic yards.
	$= 1.5\times10^6$ cubic meters.
Area covered	= 10 square miles.
	$= 26\times10^6$ square meters.
Depth (single observation)	= 1 meter.
Time of discharge	= 40 years.

Assume half of 1968's supply to be the average for the 40-year period.

$$\text{Depth} = \frac{0.5\times1.5\times10^6\times40}{26\times10^6} = 1+ \text{ meters}$$

This is about the same as the single measurement of the depth of accumulation which is available. On the other hand, a considerable amount of water may be incorporated in the sludge on the bottom. For example, in Chesapeake Bay some sediments contain 70% water and 30% solids. If similar proportions exist in the New York Bight, the estimated depth might be 4 meters or more, which would suggest that 75% of the sludge had been decomposed.

Little data are available on the quantity and characteristics of the various materials discharged. The stabilization and oxidation, both aerobic and anaerobic, of the organic material should be assessed; the fate of relatively non-conservative constitutents should be measured or estimated and the reactions of the various chemical and physical components should be evaluated.

We recommend an extensive coring program to delineate the size of the sludge bank and the depth to which the material has accumulated. This will allow an accurate calculation of what is there and will serve as a basis for assessment of the past and as a base line for the future. The coring program should include studies of the sediments as well as the fauna contained therein. Studies of shelled organisms such as Foraminifera and Ostracods should be particularly helpful. Because of their small size, high densities, and ubiquitious distribution, these organisms can serve as tracers of environmental deterioration. A change in faunal composition from a normal shelf fauna to one indicative of disposal areas will document the destruction of the normal marine fauna. Such a faunal change, for example, occurred at the Orange County, California outfall where the normal marine fauna were replaced in an area around the outfall. Dating and correlation of cores should be possible through a stratigraphy of artifacts. Once faunal changes are dated and correlated, we will know when and how quickly the environment in the disposal areas changed.

The trace metal contents of the sludge and of the water and sediments in the disposal area are important in evaluating possible biological effects. The proposed studies of carbon, chemical oxygen demand and sulfide content should also provide valuable needed data. While all of these studies are desirable, the Committee believes the study of the organic chemistry of the sludges and spoils should be expanded. Specifically, studies of the petro-chemicals should be made to determine whether or not they are of petroleum or of natural origin. An understanding of the chemistry of the deposits will greatly aid in estimation of rates of decomposition. To avoid duplication of analyses, and insure complete coverage of the various aspects involved, close cooperation between all investigators should be maintained. The participating laboratories should be asked to propose specific steps to insure this cooperation.

Studies of pelagic organisms will be difficult to apply to the present problem. Such studies should be carried out by the laboratory at Sandy Hook, but in connection with their basic mission rather than with this problem. Laboratory and field studies on the toxicity of the sludge to plankton and fish is, however, directly related to the disposal problem. If possible some of these toxicity studies should be carried out behind a dumping barge. Studies of fin rot disease, its cause, effect and possible contagiousness should also be investigated further. If the disease is contagious, migrating fishes who contract it could cause widespread dispersal. Such studies should be given very high priorities.

The benthic studies have successfully outlined the areas damaged by the waste dispersal. As far as the Corps is concerned, extensive sampling of the benthonic organisms should no longer be required. Monitoring several stations within and outside of the contaminated areas should be sufficient to detect further changes. These stations should be sampled in replicate, and on a set schedule so that statistical analyses of the data will be possible.

Measurement of rate of growth, bacteria content, and concentration of toxic substances in surf clam populations near and

outside of the contaminated areas should be undertaken to evaluate the effect of waste disposal on this important commercial species.

Laboratory studies on the effect of wastes on the macrofauna should be conducted with replicates and controls. With proper experimental design, such studies can usefully augment field observations.

In answer to the Corps questions as to whether waste should be dumped in restricted areas as at present or dumped more evenly over the entire bottom, our advice at this time is that restricted dumping is the best course. We do not know the relationship of rates of disposal and the destruction of the benthic population. The coring program suggested above should answer these questions. Until answers are available, authorization for wide dispersal of sludge and dredge spoils would run the risk of possibly destroying the benthic population in the entire area.

Likewise, in answer to the question of whether cellar dirt, sewage sludge, and dredge spoils should be separated as at present or simply dumped together, we believe that the present practice of segregation is best. Dumping the material together would probably only complicate the already difficult task of studying the chemistry of these wastes. When a budget of the material entering and leaving through decomposition and current activity can be drawn up, and the relationship of the chemistry of the various wastes to each other is known, we will be in a better position to evaluate the prudence of segregation against conglomeration of wastes.

The Advisory Committee recommends that the Corps attempt to maintain records of what and how much is dumped at the various waste disposal areas. This information will be valuable in eventually drawing up a quantitative budget for the waste disposal in the area.

Mr. WILLIAMS of New Jersey. Mr. President, I also ask unanimous consent that an excellent article which appeared in this Sunday's New York Daily News, showing the disastrous effect which sludge dumping has had on the New Jersey fishing industry, be printed in the RECORD.

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

CHARGES POLLUTION OF NEW JERSEY WATER SINKS STATE FISHING INDUSTRY

(By Lester Abelman)

Pollution of New Jersey waters has become so widespread and destructive that there is "hardly" any commercial fishing in the state, a commercial fishing association official said yesterday.

"We have very few commercial fishermen and few fish to catch," said Leonard Nelson, president of the North Jersey Commercial Fishermen's Association. "Pollution is responsible for the scarcity of most of our fish."

He said the pollution crisis has become so serious that in the last three years there has been an outbreak of fish diseases affecting as many as 15 species in the New York Harbor area.

John Clark, acting director of the Sandy Hook Marine Laboratory noted another result of polluted waters.

Many fish in New Jersey waters have neither tails nor fins. This fact stems from pollution, not from some evolutionary mutation, according to Clark.

"Bacteria live in the waters normally and are usually harmless because they are low in numbers," he added. "But when you fill up a bay with organic matter, they live in profusion and attack the fish. The fish develop fin rot, which eats away their tails and fins. They wither away; scales and skin tissue sluff away."

Clark said that such fish will not harm a human if eaten, but that the poor appearance of the fish makes it less marketable.

The officials noted that pollution does more than deform fish; it kills them or, in the case of shellfish, makes them unfit for human consumption. The result has been a disaster for the New Jersey fishing industry.

Clark explained that most fish are found inside a 30-mile limit from the coast, where the depth of the water is no more than 120 feet.

He said these waters have become polluted by sewage and industrial waste.

The experts estimated that one third of New Jersey's shell-fishing areas have been closed because of pollution. Contaminated shellfish can spark human diseases such as hepatitis and typhoid.

SALISBURY, MD.—NEW SITE OF U.S. INDOOR OPEN TENNIS CHAMPIONSHIPS

Mr. TYDINGS. Mr. President, Salisbury, Md., is the county seat of Wicomico County. It could well be considered the all-American city. It has a population of around 18,000 citizens and is the shopping center of the Delmarva Peninsula. It is a city which has great civic pride, industrial progress, and enlightened government.

It is also the site of the U.S. Indoor Open Tennis Championship Tournament.

I should like to talk a bit about why Salisbury, Md., was chosen as the site of the U.S. Indoor Open Tennis Tournament.

In order to recite that story, we need to tell the history of a remarkable young man named Bill Riordan. Bill Riordan is not a native Eastern Shore man. As a matter of fact, he is a fairly recent "immigrant." But Bill Riordan has a remarkable degree of energy, ingenuity, business ability, and civic pride. On top of that, he is an outstanding sportsman, tennis player, and promoter.

When he arrived in Salisbury, Md., there were four tennis courts, with cracked cement and the grass growing through the cracks. Perhaps the tennis playing community numbered not more than 10 times the number of courts. Today, there are over 40 tennis courts in Salisbury, Md. And some of the top young tennis players in the Eastern United States are growing up and developing their tennis in programs that Bill Riordan has developed on the public courts of Salisbury.

More important than that, whenever the great international tennis players, the top world's players, talk about indoor tennis these days, they talk about Salisbury, Md.

In 1964, the 7th Regiment Armory in New York City, where the indoor championships had been held for 60 years, was in need of repair. The U.S. Lawn Tennis Association asked Bill Riordan, who sponsored a most successful series of junior tournaments and a successful senior tournament in the great Salisbury Civic Center, if he would agree to take on the national indoor tournament for 1 year. No one else seemed to want it.

Bill Riordan reached out and Salisbury, Md., has not been the same since. The Eastern Shore of Maryland has not been the same since, and all of us in Maryland—who are proud of our sporting prowess—have not been the same since, either.

Bill Riordan took that tournament and with the support of the community leadership in Salisbury, he made the U.S. Indoor Open Tennis Championship the top tournament in the United States, and because of this it has never moved back to New York. It has stayed in Salisbury, Md.

As a matter of fact, the great tennis players enjoy Salisbury. They enjoy the sport, the warmth of the people there, and they stay in private homes in the area. In a sense, it is like the good old days of top tournament tennis.

This year, the first U.S. Indoor Open Tennis Championship Tournament was held in Salisbury and Bill Riordan, of course, was its manager, director, and the man responsible for its great success.

In the preliminary drawings were such great tennis names as Rod Laver, the No. 1 tennis player in the world, Tony Roche, Arthur Ashe, Stan Smith, Cliff Richey, and a great many other tennis players of international note.

It was a great tournament. All Marylanders are proud of Bill Riordan, of Salisbury, Md., and of the U.S. Indoor Open Tennis Championships.

I ask unanimous consent to have printed in the RECORD an article entitled "The Salisbury Stakes Are Much Higher Now," written by Steve Guback, as published in the Washington Star's Sportsweek for February 15, 1970.

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

THE SALISBURY STAKES ARE MUCH HIGHER NOW—A $50,000 DISH—BILL RIORDAN TURNS UNWANTED TOURNAMENT INTO TENNIS SUPER BOWL

(By Steve Guback)

Take the whacky combination of a socked-in flight at National Airport, four tennis courts with grass sprouting between the cracks and a half-dozen small urchins who nominated him for president of a tennis club. That's how Bill Riordan turned Salisbury, Md., into the biggest upset in tennis.

"When I first heard of Salisbury," says Riordan, a short, rapid-talking Irishman from New York City, "all I could say was: 'What?' I had to look it up on the map and it was just a dot."

With a population of somewhere around 18,000, Salisbury is still a dot on most maps, halfway between the Atlantic Ocean and the Chesapeake Bay. But nowadays words such as Riordan, Delmarva, Wicomico and Salisbury are as common to the tennis vocabulary as serve, volley, expense payment and deuce.

They're going to play the U.S. Indoor Open Tennis Championship, the first one, this week at Salisbury and that's almost like Pete Rozelle staging the Super Bowl at Natchitoches, La.

Rod Laver, Roy Emerson, Arthur Ashe—all the big tennis names—will make the trek to the tiny Eastern Shore community, the center of the Delmarva Peninsula's poultry and truck farming industries.

How it all happened is Bill Riordan's story.

In 1954, Riordan quit his job as a merchandise manager in a Denver department

store and decided to go into the retail dress business on his own. He spent nine months travelling around, looking for the right spot. He was en route from Denver to New York when bad weather grounded his plane in Washington.

"As long as I was grounded, I put in a call to my broker," Riordan recalled, "and said, 'Hey, you got anything in this area?' He told me about a situation in Salisbury. All I could say was, 'What?' I went down to the lobby of the Washington Hotel, got the bell captain and we found it on the map.

"Next day I rented a car and drove over there. I was so impressed with the Bay Bridge and the area, I thought I had discovered the last frontier of the East."

Riordan went into the retail dress business in Salisbury, opened his shop, and settled back in the peace and quiet.

Bill was looking for quiet, but not this quiet. So he kicked up a little noise about why nobody was playing tennis.

"We had four courts in town and they were all cracked," Riordan said. "Maybe a half-dozen adults were playing tennis and no kids. It was absolutely dead. Well, one day the Wicomico Recreation Association called and said they were going to organize a Salisbury tennis club.

"I went to the meeting. It was raining like hell. There were eight kids, all in the fifth or sixth grade. I was the only adult. One of the kids nominated me for president.

"I immediately declined. 'I go back to Colorado in the summers,' I said. The kid was a real sharpie, though.

" 'That's all right,' he said, 'When you leave, the vice-president can take over.' So I was nominated and elected by six urchins at the meeting."

What followed is what Harry Golden would call an "only-in-America" tale.

First Riordan got a junior development program going. Then he had the high schools playing the game. Then he moved into the new Wicomico Youth and Civic Center in 1959 and put on a junior tournament.

"By that time some of the adults wanted a tournament, too," Riordan recalled. "I couldn't imagine anything worse to handle, but in a not very lucid moment I agreed."

In that first tournament of 1960, Paul Cranis, a Philadelphian, beat Doyle Royal, the University of Maryland tennis coach, in the final.

"I don't think we had more than nine people watching," Riordan said, "and that included my wife."

The next year the junior development program was in need of funds, and Riordan was back in the tourney business. This time he was wiser.

"All we needed, I figured, was two good finalists and six losers," Riordan explained. "My brother had gone to college with Dick Savitt, who had two legs on the National Indoor Championship trophy. Savitt wanted a warmup before the Nationals the next week and said he'd play. I knew Vic Seixas and he agreed to come.

Savitt beat Seixas in that final and we showed a grand profit of $55. I swore I'd never run another. We had $1,100 gross receipts and I personally had sold $980 of the tickets."

By now, however, Riordan was really too smart to quit. The junior program still needed funds and Riordan had learned that the successful way to promote was to set up "patron boxes" and get business sponsorship.

He enticed the local Symington Wayne Co. to back the event, got Whitney Reed, then the U.S. No. 1-ranked player, to appear and wound up with a $2,600 profit.

Things were rolling now. In 1963, Riordan obtained the crowd-pleasing Chuck McKinley, who was to win Wimbledon that year, and got the city to back the event.

To assure good crowds, he gave every student in the local schools a free ticket to the Saturday afternoon semifinals and sent along two more freebies for their parents for Saturday night.

"It was the old Madison Ave. saturation technique," he explained. "We packed the place—2,500 kids in the afternoon and 3,000 adults at night. For the Sunday finals, only 600 showed up—but they were all paid."

When a bewildered out-of-town writer asked Riordan to explain the difference between the attendance of the two days, Riordan thought quickly: "Well, you gotta remember," he said, in his best city-slicker style, "Salisbury is a Saturday night town."

By now, however, the tournament was netting a $4,000 profit and word reached the front office of the USLTA.

The Seventh Regiment Armory in New York, where the National Indoor Championships had been held for 60 years, was in need of repairs. The USLTA asked Riordan to take the National Indoors for one year, 1964. Nobody else wanted it.

Riordan reached out and Salisbury hasn't been the same since.

The kid in the greasy overalls at the filling station knows more about Stan Smith than he does about Bubba Smith.

Now you can't get a hotel room in Salisbury in mid-February if you haven't made a reservation in December. The 1967 finals at Salisbury, between Ashe and Charlie Pasarell, produced the highest television rating in the history of the sport.

"It's really been amazing," says Riordan, simply.

There are 40 tennis courts sprinkled about the town now, instead of the old four, including a new Michael R. Riordan Outdoor Center named after Bill's brother who was killed two years ago in a California landslide. The Riordans put up $100,000 to help get it built.

Riordan's love for tennis goes back a long way, to the day when he was a 10-year-old and his father took him for the first time to Forest Hills.

"I saw Johnny Doeg, the first left-hander to win the national championship, beat Frank Shields in the finals, 16–14 in the fifth," Riordan says, with total recall.

The West Side Tennis Club Stadium was only a deep lob from where the Riordans lived in Forest Hills. Bill's father, a retail businessman, was a sports buff, who dabbled in owning prize fighters. Bill's earliest sports recollections are of visiting old Madison Square Garden—"Row 1, Seat 1"—two or three times a week.

Bill went to prep school in New Jersey, attended Georgetown University (playing No. 2 on the tennis team) and worked for a spell at Garfinckels as stock boy in the fur department before going into the Army. He enlisted the day after Pearl Harbor as a private and was a major at 23.

Riordan's role as a tennis builder has given him numerous honors.—Sports Magazine's annual service award, Maryland's Salesman of the Year Award and a berth on the USLTA's executive committee among others.

He is not without his problems, however. He has the first U.S. Indoor Open, with its $50,000 prize money. But as the sport grows and the guarantees increase, Riordan fears that little Salisbury may be priced out of the market. He has not been a staunch advocate of open play.

At 49, Riordan is financially well off and thinks he'll continue at his hectic pace for only a couple of years more. He has a son at Georgetown Prep and coaches the tennis team, making the trip from Salisbury twice a week. He has been approached about becoming the school's business manager.

"I think I'll wait until Billy graduates. That's two years more," Riordan says. "Something like that, though, and a home in Potomac appeals to me for my golden years."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate 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; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. PICKLE, Mr. SPRINGER, Mr. DEVINE, and Mr. WATSON; and on the tax provision of the Senate amendments, Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

MISSOURI RIVER BASIN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 702, S. 3427.

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

The LEGISLATIVE CLERK. S. 3427, to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1971 and 1972 the sum of $32,000,000 for continuing the works in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding that the Senator from Alabama (Mr. ALLEN) will not lose his right to the floor.

The PRESIDING OFFICER. Without objection, 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED LEGISLATION RELATING TO RAIL STRIKE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-268)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Once again this nation is on the brink of a nationwide rail strike.

A nationwide stoppage of rail service would cause hardship to human beings and harm to our economy, and must not be permitted to take place.

In two previous disputes, when the railroad employers and unions have not been able to settle their differences, the President has recommended, and the Congress has enacted, special legislation to avert a stoppage. I am taking similar action to protect the public interest today.

The legislation I propose is closely related to the facts of this dispute. After all the procedures of the Railway Labor Act had been exhausted, and after extensive mediation under the auspices of the Secretary of Labor, the parties finally reached an agreement incorporated in a Memorandum of Understanding dated December 4, 1969. That Memorandum was ratified by an overall majority of all the members voting as well as by the majority of those voting in three of the four unions.

However, the majority of the voting members of one union, the Sheetmetal Worker's International Association, failed to ratify the Memorandum. I am forwarding to you today legislation that merely makes that Memorandum the contract between the parties. We must not submit to the chaos of a nationwide rail stoppage because a minority of the affected workers rejected a contract agreed to by their leadership. The public interest comes first.

Four days ago, I sent to the Congress a measure to protect the public interest in cases where a strike or lockout in the transportation industry imperils the national health and safety. In that message I stressed two principles: first, that the health and safety of the Nation must be protected against damaging work stoppages; second, that collective bargaining should be as free as possible from Government interference.

The legislation I am submitting with this message to resolve this dispute abides by those two principles. We will protect the national interest, and we will limit Government interference to enforcing the contract to which responsible agents of the parties agreed.

I urge the Congress to act quickly on my proposal, so that a crippling stoppage can be averted and the Nation's travellers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1970.*

SENATE JOINT RESOLUTION 178—INTRODUCTION OF A JOINT RESOLUTION RELATING TO THE THREATENED RAILROAD STRIKE

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may be recognized, with the understanding that the Senator from Alabama (Mr. ALLEN) will not lose his right to the floor.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Michigan may proceed.

Mr. GRIFFIN. Mr. President, the President has sent a message to the Congress calling the attention of the Congress and the Nation to the fact that we are, once again, on the brink of a nationwide railroad strike.

Secretary Schulz has patiently and diligently used every tool and device at his command in an effort to try to settle this railroad dispute.

As it now appears, unless voluntary action is taken on the part of the parties before then, there will be a nationwide railroad strike, which will begin at 12:01 on Thursday morning.

The President, under these circumstances, has sent to the Congress a joint resolution and asks for its earliest possible consideration and enactment.

On two previous occasions, under previous administrations, it has been necessary when railroad employers and unions have not been able to resolve their differences, for the President to recommend and for the Congress to enact special legislation to avert such a stoppage.

Thus, the proposal made by this President is consistent with the action which has been required on two previous occasions.

The joint resolution which I shall offer would put into effect, as law, the memorandum of understanding dated December 4, 1969, which was agreed to by those representing the railroad unions and those representing management, and which was ratified by a majority of the employees involved but which was not ratified by the members of one of the unions involved.

I have conferred with the distinguished majority leader, and I am assured that the chairman of the Committee on Labor and Public Welfare will be promptly notified and, I hope and I am sure, that the chairman of that committee will see that this joint resolution receives the earliest possible consideration.

Mr. President, I send to the desk the joint resolution and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 178) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, introduced by Mr. GRIFFIN, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ORDER FOR RECOGNITION OF SENATOR ALLEN WHEN UNFINISHED BUSINESS IS LAID BEFORE THE SENATE

Mr. ALLEN. Mr. President, I am advised by the acting majority leader, the distinguished Senator from West Virginia (Mr. BYRD), that he desires to make a motion to adjourn for tomorrow.

I ask unanimous consent that I may yield to the distinguished Senator from West Virginia for that purpose, with the further understanding that on tomorrow, or such day as we do adjourn to, that when the unfinished business is laid before the Senate, the Chair will recognize the junior Senator from Alabama.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, upon completion of the address by the able senior Senator from Vermont (Mr. AIKEN), under the previous order, there be a period for the transaction of routine morning business.

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

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the period for the transaction of routine morning business on tomorrow, Senators may be recognized for speeches and that those speeches not be in excess of 3 minutes.

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

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

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

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, before the Senate adjourns, what is the pending question?

The PRESIDING OFFICER. The pending question is agreeing to the amendment No. 544 by Senator SCOTT and others as a substitute for H.R. 4249.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the able minority leader (Mr. SCOTT) late today modified his amendment, No. 519, and it is now replaced by amendment No. 544. By way of recapitulation of the orders for tomorrow, the Senate will convene at 11:30 tomorrow morning. Following the disposition of the reading of the Journal, the distinguished senior Senator from Vermont (Mr. AIKEN) will be recognized for not to exceed 30 minutes, following which there will be a period for the transaction of routine morning business with permission to Senators to make speeches not exceeding 3 minutes in length. At the close of the morning business tomorrow, the Chair will lay before the Senate the unfinished business, H.R. 4249, an act to extend the Voting Rights Act of 1965. The pending question at that time will be on agreeing to the amendment No. 544 by Senator SCOTT, and others, as a substitute for H.R. 4249. When the unfinished business is laid before the Senate, unless some other matter is made the pending business prior thereto, paragraph 3 of rule VIII of the Standing Rules of the Senate will preclude nongermane matter for the 3 hours subsequent thereto.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11:30 tomorrow morning.

The motion was agreed to, and (at 6 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, March 4, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 3, 1970:

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Amis, Edward Stephen, Jr.
Amundsen, Duane George
Anderson, Jim Douglas
Anthony, James Alvin
Antle, Regg Vince
Apfelbaum, Jay Henry
Bailey, Ralph Emerson
Bisbee, Allan Charles
Blackman, Edward Leonard
Boffman, Harry Randolph, Jr.
Bondurant, Robert Eugene
Bowie, James Dwight
Braun, Edward Michael
Brindley, Jack William
Briseno, Charles George
Britt, James Clyde
Brotman, Sheldon
Brown, Forrest Carroll
Brumfield, James Douglas
Bruther, William Francis
Buchta, Richard Michael
Buckner, George Standley, Jr.
Burke, Ronald Kingston
Burrows, William Mead, Jr.
Butcher, Michael Dane
Caldwell, Craig Wilson
Campbell, Barry Blair
Campbell, James Anthony
Capell, Robert Donald
Carr, William Alexander
Carter, Conwell Banton
Chambers, Robert Edward
Childers, Marvin Alonzo, II
Christensen, Mahlon Frank
Clark, Thomas Alan
Clyde, Harrie Robert
Coker, Joe Edward
Coley, Leslie Leroy
Colgan, Diane Leslee
Colley, David Perkinson
Cooley, William Emory, Jr.
Cooper, Lavid Lawrence.
Cornell, Cornelius John, Jr.
Culp, Larry H.
Curry, John Lamar
Daniels, Bruce Lynn
Danziger, Franklin Samuel
Davis, Claude Dewey, Jr.
Dehner, Louis Powell
Devore, Jay Samuel
Dobelbower, Ralph Riddall
Duane, Lawrence Joseph, Jr.
Duckworth, Dyce Jerome
Eckert, David William
Fields, Marvin Harvey
Fleming, James Gregory
Getz, Lawrence Gilbert
Gibbon, Peter Douglas
Gillette, John Roger
Gilson, Mayo Dean
Gingrich, Samuel Philip
Goldburg, Bert Richard
Granatir, Robert Francis
Habib, Michael Anthony
Halpin, Thomas Joseph H.
Ham, Charles Lindell
Harder, David Franklin
Harter, Gary Lyon
Hauser, James Lincoln
Hayes, Hamilton Richard
Hays, William Alton, Jr.
Hazlett, Donald Arthur
Heisler, Stephen
Hitt, Curtis Lee
Hodgers, John Henry
Hood, Stephen Thomas
Horn, Michael D.
Horton, Douglas Leslie
Houk, William Michael
Hubbard, Ronald Eugene
Hulsing, Darel John
Hunt, Hugh Blair
Jackman, William Martineau
Jacquet, James Martin, Jr.
Johnson, David Gary
Johnson, Paul Elmer
Jones, Robert Norwood
Juhala, Curtis Alfred
Kimball, Michael William
Kleve, Roger Albert
Knapp, Robert Sinclair
Knuff, Robert Joseph
Koenig, Harold Martin
Koenigsberg, Daniel Meir
Kunz, Arthur Ernest, Jr.
Lambert, Robert McMillan
Lamberty, Leonard Kenneth
Leist, Frederick Douglas
Lesser, Philip Steven
Lichtman, David Michael
Loecker, Thomas Henry
Lohner, Thomas
Louviere, Robert Lee
Love, Robert Alexander III
Lyman, William Michael
Lynch, Thomas Patrick
Lytle, Gary Scott
Mabry, Nicholas Rivero
MacNabb, George Malcolm, Jr.
Mann, Ralph Jerry
Martinson, Alice Marie
Mason, Jack Fabian
Mattheis, Kenneth Robert
Maxon, Harry Russell, III
McAlary, Brian Gerard
McArtor, Robert Dennis
McConnel, Charles Stewart
McCormick, Hugh Bernard
McDonald, Harrison Robert
McKean, Joseph Dewey, Jr.
McKinney, Douglas Edgar
McMillan, Donald Malcolm
Meade, Clyde Kingstone
Meek, Tom Joffre, Jr.
Meinecke, Henry Milton
Michalko, Charles Harold
Myster, Stuart Howard
Nelson, Fred Ritchie Trew
Nelson, Richard Arnold
Niccolini, Robert
Nicholson, Thomas Cornell
Noel, Kenneth Robert
Pautler, Thomas George
Pease, Gary Lee
Pepine, Carl John
Petit, Paul Edward
Philips, Wallace Merritt, Jr.
Pries, Richard Edwin
Pritham, Howard George
Prosin, Michael Allan
Pryor, Norman Dale
Pulliam, Morris Wade
Rasmussen, Bruce David
Richardson, George Robert
Rosenthal, Myer Hyman
Routenberg, John Albert
Roy, Thomas Sherrard, II
Rust, Robert Edward, Jr.
Sanford, Frederic Goodman
Satko, Frank Gregory
Savin, Max
Severy, Philip Robert
Sheffer, Lee Allan
Shetterly, Roger Davis
Sire, David John
Smith, Gerrold Rex
Smith, John James, III
Snyder, David Michael
Spader, Bryan Dale
Spence, Clarence Howard
Spencer, Donald Lynn
Stearns, James Michael
Steinkuller, Paul Gilbert
Stenberg, Michael Donald
Stice, Richard Beil
Stickney, Roger Wilde
Stringer, Douglas Lynn
Stubblefield, Wayne
Sweeney, John Charles
Talton, Brooks Mims, Jr.
Talton, Hugh Johnston
Taylor, Benjamin Thomas
Taylor, Gary Stevens
Tenney, Richard Dean
Thomas, Herbert Cushing, Jr.
Tuxill, Thomas Galster
Unsicker, Carl Lester
Voth, Gayle Vernon
Walsh, David Guy
Walsh, John Patrick
Walsh, John Joseph, Jr.
Ward, Franklin Ruel
Weaver, Clyde Marquis
Weaver, Jerry Octave
White, Matthew
Williams, Theodore Guy
Wilson, Don Allen

Woodburn, Richard
Yecies, Jerold Joseph

SUPPLY CORPS

Abbott, Gerald William
Abernethy, James Robert Jr.
Akers, John Robert
Aleva, David Andrew
Altman, William, Jr.
Anderson, David Karl
Anderson, Louis Gary
Anttila, Robert Matthew
Armistead, William Bright
Baker, Charles Edmund, Sr.
Baker, Roland Jerald
Barnes, Edmund Lee, Jr.
Barnes, Francis Stoddard
Barton, Kenneth Dale
Bauer, James Francis
Bean, John Raymond
Beer, Robert Oakley, Jr.
Benner, Willard James
Berger, Paul
Bergeron, Wilfred Joseph, Jr.
Bianco, Thomas Anthony, Jr.
Blankenfeld, Emmitt Elon
Boardman, Albert Eugene
Bondi, Peter Albert
Bratschi, Gilbert Wayne
Bridwell, Donald Leroy
Brochu, Robert Adelard
Bromen, Roger Raymond
Brown, Bernard Elton
Brown, Reed Eaton
Bryan, Edward Lewis
Buhr, Joseph David
Burks, Leroy
Burnett, Michael Howard
Burnham, John Kenneth
Burry, John Blaze, Jr.
Butler, Paul Kyle
Butler, Wesley Earnshaw
Cantrall, Edward Loren
Carr, Jeffrey Allen
Carre, Darwin Beach, Jr.
Carroll, John Perry
Casanova, Kenneth Evelio
Caven, Terry Farres
Chalupsky, Raymond Jerome
Chaney, Keith Raymond
Chappell, Ralph Lathan
Chenoweth, Denver, Jr.
Chew, Edward Howard, Jr.
Cleary, Richard Thomas, III
Conser, Richard Lewis
Contreras, Paulino
Conway, James D.
Cook, Kendall Raymond
Crabb, Dal Ed
Crevier, Stanley Michael
Cromer, David William
Cushway, Dave Merritt
Daeschner, William Edward
Dahm, Eugene Emile
Danner, Glenn Richard
Davee, Francis William
Davidson, James Patrick
Davis, Fredric Cook
Davis, John James
Day, William Maurice
Delasfuentes, Jose, Jr.
Dell, Jack Vining
Diener, Thomas Edwin
Dieterle, Edward Robert
Draper, Walter Scott, IIII
Driggers, Raymond Lavern
Dudley, James Robert, Jr.
Earle, Samuel Broadus, III
Eaton, Edward Smith
Eldridge, Robert Moore
Endt, Henry Joseph, Jr.
Epperly, Paul Judson
Evans, Don Randolph
Fahrenthold, Harvey Keith
Falconer, Douglas William
Faust, John Nicholas, III
Fava, Ernest Edward
Fellows, Fred Yates, III
Fenick, Robert William
Fields, Billy Joe
Fike, Charles Rowland
Fincke, Edwin August
Fitzgerald, Thomas Patrick
Fleming, James Alexander, Jr.
Fleming, John Moultrie, Jr.
Foerster, Kent Noel
Foley, Richard Lynde
Ford, John Edwin
Frantz, Harold Wayne
Frassato, Robert Charles
Gaines, James Edward
Gainey, John Michael, III
Garmus, David Paul
Geary, John Paul
Gibson, Nelson McKinley, Jr.
Grant, Robert David
Grim, James Woodrow
Growney, Kevin Joseph
Guerriero, Domenic Pelligri
Gustafson, Lawrence Charles
Haas, Willard Morris
Haase, Larry Lynn
Hale, Ronald Arthur
Harms, Herbert Martin
Harrington, Phillip Henry
Harte, Edwin Theodore
Hatchett, William Joseph, Jr.
Hekman, John Gilbert
Henderson, Andy Leroy
Henshall, Joseph
Hensley, Norman Wesley
Hern, William Ray
Hernandez, Edward Simon, Jr.
Higgins, Richard Louis
Hodapp, Charles Aloysius
Hogan, Brian Thomas
Hopkins, William Leslie
Horhutz, Randolph John
House, Steven Howard
Hunter, Curtis Stanley, Jr.
Iaquinta, Francis Samuel
Janse, Anthony Ludwig
Johnson, Jerry Ralph
Johnson, Thomas Lawrence
Jones, William Marcus
Karosich, James Charles
Kasriel, Jerome David
Kaufman, James David
Kibler, Thomas Caldwell
King, Charles Eugene
King, William Delano
Kosch, Charles Arthur
Kraus, Joseph
Krehely, Donald Edward
Kreimer, Robert Maurice
Kuhns, Howard Edwards
Kuster, Ulrich Emil
LaMade, John Steele
Lambright, John James
Lamparter, Theodore Albert
Lampman, Charles Major, III
Lara, Harry Lee
Larsen, James Andrew
Laurent, Daniel Henri
Lempka, Gerald Arnold
Lines, Lee Robert
Littlefield, Belton James
Logan, Don Edward
Looney, Richard Glenn
Lunn, James William
Lynch, David Read
Lynch, Michael Gerald
Lynch, Thomas Joseph
MacDonald, Alan Ramsay
Maley, Michael Denton
Mandel, Allan Lee
Manning, Gary Clifford
Manning, Huey Allen
Marohn, Louis Norman
Marshall, William Baker, III
Matalavage, Joseph Anthony
Matheny, Arthur Leroy
Maxon, Bruce Ethan
McClure, John Marvin
McKechnie, John Joseph, Jr.
McLaughlin, Robert John
Mendez, Ramon Eduardo
Merrell, Billy Joe
Miller, Ernest Baldwin, III
Miller, James Rush
Miller, Kenneth Frederick
Monroe, James Leslie Dukes
Moreland, Richard Dean
Morgan, George Parker, Jr.
Morgan, Ronald Dean
Morris, John David, III
Morris, William Richard
Moum, Jerry Davis
Myers, Cecil Earle, Jr.
Nair, Sterling Edward, Jr.
Natole, Robert Lester
Nolan, John Walter
Nyenhuis, Keith Eugene
O'Connor, Joseph Andrew
O'Hare, Shamus James
Orahood, Douglas William
Overhalser, Dennis Dee
Palmatier, Philip Earl.
Pankey, Beverly St. Clair
Parks, Leonard Cranford
Payne, Billy Irish
Pearson, David Edward
Pedersen, Carl Jens
Perkins, Robert Darol
Perrill, Frederick Eugene
Phillips, Garth Vaughn
Phillips, James Donald
Phillips, Marvin Ray
Popik, Michael John
Porter, Robert Cleve
Prescott, Gordon Wayne
Pressley, Joseph Larry
Price, Clifford Ronald
Price, Robert Francis
Quarles, James Michael
Quigley, Patrick Joseph
Quinn, John Thomas
Quinn, Kenneth James
Rasmussen, Paul Duane
Redman, William Ernest, Jr.
Reed, William Henry
Reynolds, Kevin Thomas
Rhodes, William David, Jr.
Rice, Richard Ray
Ridings, James, Jr.
Ringberg, David Allen
Rittenhouse, Ferness Levere
Rodgers, Gary Lee
Rosson, Bobby Joe
Roy, Roger Charles
Rueckert, Jon
Ryland, Charles Wayne
Sandeen, John King
Sapera, Leonard Joseph
Sareeram, Ray Rupchand
Sattler, Roger Charles
Savage, Horace Jay
Scharff, Richard Darrell
Schroyer, Charles David
Schuster, Gerald Dee
Shaw, Robert Harris, Jr.
Sherman, Bruce Leslie
Sherman, Huson Barry
Sikes, James Eugene
Singleton, Harold Loyd
Smith, Arthur Homer
Smith, Billy Gene
Smith, Leo Louis, Jr.
Smith, Olen Brown, Jr.
Smith, William Dewitt, Jr.
Snyder, James Ray
Standish, John Alden
Starkey, Benjamin Thomas, Jr.
Starnes, Bobby Franklin
Steen, George Samuel, Jr.
Stewart, James Ronald, Jr.
Straw, Edward McCown.
Sullivan, Edward Francis.
Suter, David Floyd.
Szalapski, Jeffery Paul
Taube, Arden Raymond
Thomas, Dudley Jerome
Thomas, Robert Louis
Thompson, Robert Howard
Titus, Robert George
Tomcheck, John Kenneth
Torrey, Tracy Everett
Trbovich, George Melvin
Treanor, Richard Craig
Trotter, Edgar Stoker, Jr.
Tully, Albert Paul, Jr.
Turner, David Benjamin

Vanness, Robert Louis
Varner, Robert Nolan
Vaughan, Woodrow Wilson, Jr.
Verhage, Ronald Glenn
Vonradesky, Charles Willi R. II
Wagoner, John Deal
Wallace, James Joseph
Waller, Terry George
Watrach, Dennis Kenneth
Weaver, Edwin Richard, Jr.
Weber, Jerome Joseph
Welborn, James Hill
Wells, Michael Vance
Wheeler, Lawrence David
Whitman, Carl David
Whittington, Richard Guy
Wilcox, Harold Edgar, Jr.
Williams Robert Joseph
Wilson, Michael George
Windbigler, John J.
Wingard, Bobby Norman
Wolf, Carl George
Wood, Leonard Leroy
Woodward, Joseph Albert
Wootten, John Francis
Worsena, Richard Francis
Yeoman, William Ray
Young, Everett Boyd
Young, Robert Reese
Zeppieri, Ronald James
Zumbro, Sherrod Branson

CHAPLAIN CORPS

Aronis, Alexander Basile
Asher, William Carroll Lynn
Bohula, Edwin Victor
Brannan, Curtis Ward
Cram, Norman Lee, Jr.
Curran, Wade Hampton, Jr.
Daly, John Raymond, Jr.
Dando, George William
Deruiter, Peter John, Jr.
Dillon, Thomas James
Dowd, Patrick, Arthur
Doyle, James Michael
Eckles, James Warren
Erick, Robert James
Fullilove, Ray Weldon
Goode, James Gilmer
Hall, John Louis
Harris, Donald Bell
Hedwall, Ronald Lee
Howe, Merlen Floyd
Johnson, Thomas Frederick
Kane, Brian Edward
Kerner, William Byron
Kirk, Alston Shepherd
Lauer, Robert Erwin
Long, Richard Albert
McHorse, George Ray
Page, David Garth
Pegnam, John William
Powell, David J.
Richards, Gerald Thomas
Rubino, Salvatore
Schumacher, Gordon Bruce
Thompson, Joseph James
Weeks, Robert Martin
White, Davis Edward
Williams, James Augustus
Wishard, John William

CIVIL ENGINEER CORPS

Absalom, George Marshall, III
Baker, John Lowell
Bass, William Martin, Jr.
Bell, Robert Bernard Jr.
Bilden, Richard Peter
Black, Dorwin Clay
Block, Neil
Brennan, John Paul
Brown, Gerald Lee
Buckner, Ernest Wesley
Buffington, Jack Eugene
Callahan, James Frederick
Callender, Gordon Warren Jr.
Camden, Edward Brydges
Campbell, Donald Berlin
Carnell, Donald Lee
Chapla, Paul Anthony
Clarren, George
Coston, Vernie Richard
Crumbley, Don Carroll
Cunningham, Robert Browning Jr.
Doctor, Richard Peter
Drennon, Patrick William
Endebrock, Robert Neal
Farlow, David Earl
Faulk, John Robert
Finn, James Robert
Fluharty, David Henning
Fowler, George Edward III
Frauenfelder, Henry Roger
Gallen, John James Jr.
Garbe, Warren Murray
Gardiner, George Henry Jr.
Gerdel, David Holland
Goin, Paul Thurman
Goins, Philip Allen
Hale, Hugh Dillon, II
Hall, Royce Herman, Jr.
Heffernan, Thomas John
Heine, William Anton, III
Henley, Joseph Leo
Jackson, Bruce Lawellin
Jackson, Gerald William
Jensen, Allen Halvor
Johnson, Howard George
Kasner, Jon Broughton
Kay, William Howard Jr.
Kennedy, Robert Joseph
Kunz, Joseph David
Kurtz, Lewis Albert, Jr.
Laufersweiler William Joseph, III
Leap, Joseph Brian
Lockhart, Allen Clifford
Lukey, John Gordon
Luzum, Gerald Dean
MacCall, Bruce Leonard
Martinelli, Salvatore Aldo
Matthews, George Russell
McCahill, Dennis Francis
McKibben, Don Robert
Mergner, James Thaddeus
Michna, Thomas Benjamin
Miles, John Henry Thomas
Miller, David Bergenthal
Monney, Neil Thomas
Morrison, Paul Albert
Mossman, James Boone
Myers, Theodore Scott
O'Connell, Brian John
Odom, Melton Lee
Olsen, Allen Neil
Olson, Harold Martin
Opager, Ludwig Herman Jr.
Pensyl, J. Dick
Perrine, Robert Thomas
Petty, Larry Kiningham
Quigley, Stephen Jerome
Quinn, Thomas Patrick
Rabke, Walter Edward
Redderson, Roy Henry
Riffey, Alan Kent
Ringel, Duane Arthur
Robertson, William Edmond, Jr.
Ross, Gerald Harry
Rugless, James Michael
Sandrini, Louis Michael
Schneider, John David
Schwirtz, Henry John
Shalar, Alexander
Shank, George Edward
Sherman, Myron Bernard
Simon, Charles Ray
Smith, Alan Edward
Smith, Erik Theodore, Jr.
Smith, Jerrold Michael
Stokes, Stephan Robert
Street, Clifford Gail
Struthers, Lynn Carol
Sturmer, Donald Charles
Vanroyen, William Shipman
Watson, James Preston
Wells, Donald Raymond
Wells, James Laurence
Wheeler, David Earl
Williams, Richard Lyle
Woll, Jerry Dewayne
Zimmermann, Gerard Alan

JUDGE ADVOCATE GENERAL'S CORPS

Broussard, Barry David
Brush, James Dillon, II
Buchholz, Duane Carl
Byrne, Edward Mark
Carroll, James Edward
Horst, Carl Henry
Ise, William Henry
Kjos, Wendell Arthur
Little, Harvey Edward
Martens, John Jerry
McCoy, Dennis Frederick
McGovern, Peter John
Michael, George Lewis, III
Patterson, Donald Ross
Pierce, Charles David
Rapp, Michael Duer
Reed, Robert Frederick
Roach, Joseph Ashley
Ross, James Edward
Sanftner, Thomas Richard
Studer, John Armitage
Walker, John Allen
Wimberly, Bennie Charles
Young, Donald Paul

DENTAL CORPS

Baycar, Robert Stephen
Bennett, Steven Laurel
Bickenbach, Alan Paul
Bleeke, James Morris
Burke, Robert Stuart
Cassidy, Michael Ferguson
Coggeshall, William Thomas
Coker, Mack Elbert
Cornell, Michael Thomas
Davis, Norman Lindell
Drysdale, Robert Bruce
Ebert, Patrick Corcoran
Fletcher, Ernest Clinton
Foy, Crawford Edward, Jr.
Gant, Lewis Edward
Garre, David Colfax
Harnett, Jeffrey H.
Hawse, Richard Allen
Hinman, Robert Winfield
Hirst, Robert Charles
Howe, David James
Kehoe, Joseph Clark
King, Ronald Coulter
Kjome, Robert Louis
Lawrence, Robin Merrill
Lohr, John Roy
Mansfield, Thomas Wallace
Martin, Richard Leonard
McDavid, Paul Thomas, Jr.
Milford, Michael Louis
Mittlehauser, Donald Lowell
Moll, Richard Steig
Morris, Don Raymond
Neal, John Clarence, Jr.
Nelson, Emory Russell
Nickerson, James Worth, Jr.
Nicklin, Charles Ross
Nieusma, Gerald Edwin
Ocallaghan, Leo John, Jr.
Paulk, Glenn Lamar, Jr.
Payne, William Thomas
Petri, William Henry, III.
Pfeifer, David Lewis
Ridley, Michael Travis
Roberston, Gustav Robert, Jr.
Romero, Charles Joseph
Sadler, John Frank, Sr.
Schemick, Michael, Jr.
Schutt, Charles Evan
Sepe, Walter William
Shanley, James John
Shoemaker, Philip Witherell
Shore, Paul Thomas
Snell, William Howard, Jr.
Souliotis, Theodore Arthur
Splitgerber, Thomas Clark
Stanton, Herbert Joseph
Stob, John Albert
Tagge, David Lee
Taylor, Kent Lee
Vaillant, Dennis Peter
Vanness, Allan Leslie
Webster, Roger Allan

White, Donald Joseph
Wible, James Howard
Yavorsky, John Dennis
Zendt, Robert Richard

MEDICAL SERVICE CORPS

Andrews, James Robert
Armstrong, Joseph Cunningham
Baird, John Robert
Barrows, Joseph Richard
Baumhofer, Anne Hermine
Beckner, William McCarty
Behling, Daniel Wayne
Benedict, William Herbert
Bennett, Floyd Edward
Bergner, John Franklin, Jr.
Biesiadny, Lawrence Louis
Bolton, Ronald Raye
Bonds, Billy Robert
Branscum, William Edsel
Brouillette, Donald Edward
Brown, Gary Dale
Brown, Seth Edsel
Brumfield, Harker Deverde, Jr.
Carnahan, Clarence Lee
Cassel, Dallas Eugene
Cerruti, Alfred Stephen
Chan, Robert Sherman
Chatelier, Paul Richard
Christian, Elgin Ray
Coan, Richard Manning
Conley, Walter Raymond
Connolly, John Francis
Corbett, Myron Ronald
Cottet, Laverne Edith Boyd
Coxe, Robert Frederick
Cusick, Richard Allen
Dailey, George Lee
Dasler, Adolph Richard
Delaughter, John Douglas
Denison, Neslund Edward
Dewhirst, James Jay
Diebner, William Earl
Dilley, Paul Olin
Drozd, Joseph John, Jr.
Duckett, Jack
Duncan, Alexander Robert
Dupes, James Leonard
Ebert, Alvin George
Emma, Carleton Warren
Fancher, James Edward
Faulkner, James Alfred
Fink, Francis Aloysius
Fishel, David Wilburn
Flewelling, Lloyd Joseph
Funderburk, Lester Ray, Jr.
Furr, Paul Arthur
Gendron, Eugene George
Gillentine, James Donald
Glassford, Kenneth Franklin
Goble, Joe Edward
Gooch, Roy Lee
Green, Ronald Kay
Gregory, Bert Conduff, Jr.
Groce, William Edward
Grothaus, Roger Harry
Heller, Billy Lee
Hempey, Ralph Clifford
Hendren, John Elbert
Henson, Frank Neal
Holiman, Frederick Lee
Horrobin, Robert William
Hoss, William Frederick, Jr.
Houk, Marvin Richard
Jimenez, Pedro
Johns, Jack Elton
Johnson, Paul William
Kehoe, John Joseph, Jr.
Kennedy, Patrick John
Kinsella, Lawrence Thomas
Knight, John Robert
Kozik, John Richard
Krueger, Vernon Arthur
Laclair, Bernard Wilford
Langston, Ollen Curry
Lewis, Eddie Winford, Jr.
Lewis, John Robert, Jr.
Lind, Marvin Dale
MacConnell, Thomas Walter
Machir, Daniel Franklin
McAllister, Robert George
McConnell, Alton Ewing, Jr.
McGuire, James Stuart
McKelvy, Patsy Lurleen
Meek, Artie Edward
Morin, Richard Albert
Murrell, William Raymond
Myers, Wessel Hugh
Myrah, James Leonard
Nathan, Howard Wayne
Newell, Richard Lee
Null, Clyde William, Jr.
Owens, Norman Kenneth
Palmer, David Deforest
Palmer, George James, Jr.
Parker, Henry Eugene
Parrish, William Carroll
Pate, Clyde Talmage, Jr.
Pearson, Herbert Duard
Peck, John Allen
Peterson, Robert Victor
Peterson, Warren Roger
Pickering, James Carl Lee
Piersol, Eugene Clark
Poquis, Robert Mendoza
Prelosky, Richard Nicklos
Price, Charles Allen
Price, Hudson Bryan
Quick, James Donald
Rector, Douglas Eugene
Rhoads, Teddy Roosevelt
Robinson, George Wayne
Rovario, Emile Eugene
Royals, William Edward
Rutledge, Bobby Gene
Saine, Floyd Dean
Sawyer, Albert Louis
Saye, Clarence Boswell
Scanlin, Patrick Joseph
Schoenmann, Donald Leonard
Siplon, Donald Lowell
Skelly, Robert Stanley, Jr.
Smith, Jack Willard
Soule, George Irven
Sparks, Jonathan Carlton
Stayton, Richard Allan
Stewart, Shannon Dewitt
Stockman, Roger Emanuel
Stout, Forrest Dale
Stringham, Stanley Clayton
Taylor, Berlin Jackson
Taylor, Hollis Blackwell
Tharp, David Carlton
Theisen, Charles Joseph, Jr.
Thompson, Curtis Robert
Thomsen, Paul David
Tucker, John Russell, Jr.
Turner, John Randolph
Turviville, Leslie Homer
Ulmer, James Mitchell
Waldeisen, Lewis Edward
Wallace, Robert James
Walsh, John Patrick
Warren, Phyllis Imogene
Wesson, Billy Ralph
Williamson, Lee Paul
Zentmyer, Robert Kenneth

NURSE CORPS

Agrell, Diane Judith
Auld, Barbara Ethel
Barkus, Phyllis Margaret
Bartik, John Mary
Beatty, Florence Winifred
Becktell, Beatrice Diane
Blank, Norma June
Bogdanski, Mary Ann
Carroll, Maria Kathryn
Clinton, Bobbie Kay
Conway, Lorraine
Cote, Clarence William
Covington, Norma Ann
Cronin, Claire Mary
Curtis, Rose Marie
Dyer, Alice
Farrell, Helen Louise
Fellenz, Patricia Ann
Fleury, Phyllis Jean
Gregg, Leah Sue
Griffiths, Marcia Clausen
Handlin, Sondra Kay
Hausmann, Abigail Margaret
Hicks, Elaine Bianchi
Hicks, Shirlee Christine
Hudak, Geraldine Joyce
Huskey, Bobby Gene
Hvizdo, Barbara Ann
Lee, Mary Ann
Leonard, Dorothy Gertrude
Lopresto, Gail Rude
Maxwell, Hattie Elam
McCaughey, Anne Marie
McDonald, Patricia Kathaleen
Megonnell, Joann Helen
Miller, Judith Huddle
Newton, Katheryn Eleanor
Noble, Vera Josephine
Pack, Valaine
Pawlak, Marcellene Agnes
Pritchard, Virginia Lee
Reynolds, Ann Darby
Robel, Joyce Jean
Schneider, Blanche Margaret
Schroder, Beverly Ann
Schultz, Cynthia Ann
Sheehan, Lona Wallace
Stangelo, John Elaine
Teagle, Beverly Elaine
Thibodeaux, Bunice
Wills, Jacquelyn Sue
Young, Carol Ann

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

SUPPLY CORPS

Allega, Timothy James
Allen, Daniel William, Jr.
Allen, Dennis Jean
Anderson, William Michael
Auerbach, Eugene Edmond
Baird, Paul Theodore
Baker, David
Baldino, Anthony David
Barnett, Orlando Tyrone
Barrett, Sean Carl
Baum, Christopher Charles
Baynes, William Thomas
Bays, William David
Beamer, George Patrick
Beckett, John Clayton
Benbow, Robert Thomas
Bingham, Alfred Aloysius, III
Blumette, Lawrence Paul
Boal, Donald Stuart
Bond, Robert Charles
Bordenave, Lee Joseph
Bray, Richard Lee
Brogan, Thomas Michael
Brown, William Timothy
Burge, Homer David, Jr.
Burge, Ray Scott
Burmeister, Edward Drake, Jr.
Byers, David Chapman
Cameron, Alan Spencer
Campbell, Richard Parker, Jr.
Campbell, Thomas Andrew
Cantrell, Floyd Orin
Cassidy, John Patrick
Cassidy, William Farrell
Chamberlin, Edward Robert
Chenault, David Walker
Chute, Clyde Wayne
Clark, Alexander Bayard, III
Clary, Neal Thurston, Jr.
Cliff, John Alan
Cloud, Burt Murphree, Jr.
Coleman, James Samuel, III.
Collins, Ralph, Jr.
Connelly, Stephen Arthur
Conradteberlin, Viggo Paul
Crane, Grant
Crognale, Stanley Joseph, Jr.
Dahlgren, Norman Henry, Jr.
Daley, Robert William
Daly, Charles Arthur
Davis, David Hampton
Davis, Kenneth Edward, Jr.
Davis, Samuel, III
Dexter, Stephen Thompson
Dingeldey, Peter Edward
Dobbert, Clarence Frederick
Doubleday, Ross Justin
Dreher, Darrell Lee
Dreyer, Leo Phillip
Droms, William George
Drowty, Dennis Robert

Duff, Donald Dennis
Dunteman, James Michael
Dwyer, Ross Thomas, III
Early, Lawrence Joseph, Jr.
Edgerton, Donald Kenneth
Embry, Lloyd Bertis
Erickson, William Victor
Eustis, Ernest Lewis, III
Evanoff, Richard Allen
Evans, Michael James
Findley, Norman Painter, III
Fortin, Raymond Franklin
Fossum, Jeffrey Evan
Foster, Howard Ray
Franyo, Richard Louis
Freeny, Ronald Nelson
Garner, Darrell William
Garrett, George William
Geel, Kenneth Gregory
George, Robert Lee
Gibson, John Justin
Gish, Thomas Robert
Griffen, Richard Daniel, Jr.
Griggs, Thomas George, III
Gruver, William Rolfe
Guth, Michael Harold
Hallenbeck, Gerald Thomas
Harkins, Maurice Alexander, Jr.
Harris, William Eldon
Havasy, Robert
Havener, William Jeffrey
Haverty, Lawrence Joseph, Jr.
Haynes, James Michael
Heffler, Henry
Heiselberg, Gary Lee
Hemmy, Victor Howard, Jr.
Henry Robert Francis
Hickey, William Vincent, Jr.
Higgins, William Francis, Jr.
Hilton, David Eastwood
Hutchins, Richard Atherton
Ingram, John Carter
Ireland, Dennis Wayne
Jaeggi, Kenneth Vincent, Jr.
James, Daniel Victor, Jr.
Jepson, Francis Edward, Jr.
Johnson, Darold Leroy
Johnson, William Franklin, Jr.
Jordan, Larry Jim
Joye, Erwin Michael
Kalas, Frank Joseph, Jr.
Kamel, Mohsen
Karg, Herbert William, Jr.
Keenan, Frederick
Keller, Frank Boyd
Kelley, Charles Everett, Jr.
Kellum, William Carlisle
Kelly, James Michael
Kennedy, William Ellis, Jr.
Kice, Charles Jeffrey
Killian, Charles Edwin
Kinsey, Joseph William
Konz, Donald Wayne
Krisman, Dennis William
Kutsko, James Andrew
Lang, Thomas Frederick
Layton, David Hoyle, Jr.
Lazerow, Arthur Stanley
Leenstra, Richard Byron
Lemburg, Myrl Lee
Leniart, Peter Joseph
Leverentz, James Michael
Libby, Kurt William
Lincoln, Samuel Ankeney, III
Lingle, Jan Christian
Loveday, Leonard Norman
Lynch, Peter Joseph, III
Lynn, Wayne Reed
Mahn, Gary Leroy
Major, Samuel James, Jr.
Maloney, Francis Lane, Jr.
Mangin, Garrett Nicholas, II
Martens, Richard Lawrence
Martin, James Michael
Masters, Merlyn Maurice
McAdams, Joseph Lloyd, Jr.
McCabe, Raymond Leonard, Jr.
McCook, Kevin William
McEver, Harold Bruce
McGinnis, William James
McQueen, James Daniel, Jr.
McQuinn, Dale Eugene
Meiners, Richard James
Melton, Harold Keith
Middleton, George Robert
Mills, Kenneth Brewster
Molino, Robert Larry
Moore, Beryl Grant, II
Morisky, Richard James
Muir, Anthony Moyer
Neale, John Cox
Nelson, Thomas Russell
Niblock, Edward Gould
Nicol, Robert Lloyd
Norton, Phillip Gerald
Ogrosky, Charles Everett, III
Oswald, Edwin Lawrence
Ott, Gene Franklin
Overson, Alonzo Robert
Packard, Ralph Kempton, Jr.
Parks, Michael Blake
Patterson, Alexander Zachar, II
Patton, John Cragar
Pearson, Richard Gordon
Perisho, James Calvert
Pettis, David Wilson, Jr.
Pomaski, Thomas Raymond
Potts, John Arthur
Prinn, Brian Thomas
Rabinowitz, Daniel
Rae, Allan Nicholson
Rathbun, Roger Earl
Regan, John Justin
Reis, Peter Steven
Rost, David Larry
Rouzer, William Wolf
Rumble, Henry Darden, Jr.
Samolis, Thomas John
Sandalls, William Thomas, Jr.
Saylor, Clarence Murray, Jr.
Scarola, Joseph Ralph
Schechter, Kenneth Alan
Schnepf, Charles Aloysius
Schramm, Frederick Charles, Jr.
Scott, Jerry Walter
Scudi, John Turner
Semet, Robert John
Senn, Lavern Kenneth
Seyfried, Philip Joseph, Jr.
Shaw, Mark Charles
Shelton, Billy Ronald
Siegel, Gary
Skalleberg, Richard Arne
Slane, Robert Lawrence
Smith, Edmund Niels
Smith, Frank Walker, III
Smith, Ronald Earl
Spadafora, William Henry
Sprague, Douglas Robert
Stafford, Michael Douglas
Stankeivicz, David Fred
Stanton, William Hugh
Stasiowski, John Francis
Stevens, William Allen
Sullivan, Michael Patrick
Sutherland, John Wallace
Sutherland, Michael Thomas.
Tabb, Donald Cameron, Jr.
Teare, Harry Bradley
Thomas, William Joseph, Jr.
Tompkins, Alan Mark
Tracy, Richard Tillotson
Ulrich, James Marshall
Vanleuvan, Richard Welton
Vaughan, Larry Edward
Velte, Duane Robert
Volkmann, John Michael
Vuyosevich, John Andrew
Wagner, David Lynn
Watson, Andrew Jess
Weaver, Willis Stanley
Webber, Carl Maddra
Whitlock, Robert Eldon
Williams, Edward Leo, III
Wilson, Richard Davis
Worthen, Winston Kent
Young, Robert Maynard
Zuckerman, Richard Engle

CIVIL ENGINEER CORPS

Altstaetter, James Lee
Ames, William David
Ankrum, George Theodore
Antoniak, Peter Richard
Ayres, Larry Lee
Bankert, Frederick Ball, III
Bone, Albot Wade
Brookman, Peter James
Bruce, Charles Jere
Buchanan, Robert Douglas, Jr.
Cooney, Thomas Allen
Crain, George Kellogg, II
Daughtridge, William Franklin, Jr.
Dean, Hilbert Dwayne
Defreytas, Joel Charles, Jr.
Fesler, Jeffrey Blair
Furick, Robert Paul
Gardner, James Kyle
Garrigan, James Terry
Geibel, Bruce Burgee
Gossett, James William
Guinosso, Andrew John
Guy, Leonard Philip, III
Hanley, William Joseph
Heath, John Emery
Hemme, Glenn Darwin
Hoff, Michael Leroy
Holcombe, Ronald Frederick
Jackson, James Otos
Jobe, Eugene George
Johnson, Kenneth Vernon
Jones, Frederick Joseph
Jones, Lloyd Kenneth
Koons, James Edward
Larsen, Quentin John
Lenehan, Thomas Francis, III
Leubecker, Stephen Tyson
Lowery, Edward Joseph, Jr.
MacCaferri, Don Achille
Mason, Robert David
McCormack, Richard Francis
Milner, Ronald Albert
Morss, James Clarence
Murphy, Aidan Thomas
Nash, David Julian
Necker, David Chester
Palmborg, James Glenn
Ramsey, James Melvin
Raymond, John Joseph
Reim, Kenneth Ray
Rice, Richard Hardwicke, Jr.
Royal, Clifford Harper
Rudegeair, Edward Andrew
Ryberg, Richard Edward, Jr.
Sawyer, John Timberlake
Shelton, Michael William
Sherron, John Thomas
Shoup, George Michael, Jr.
Siler, Richard Terry
Smith, Louis Martin
Smith, Robert John
Somers, Allen Harry
Sopko, David Charles
Spence, Gordon David, Jr.
Stone, Bruce Tuttle
Tomiak, Walter Wayne
Turner, Oscar Downey, Jr.
Urbani, Donald Louis
Walter, Harold William
Ward, Carter Studdert
Werner, Max Alfred, III
Wickerham, Arthur Eugene
Wiesner, Gerald Neal
Wong, Stephen Eu Chin
Wynn, Alfred Lee
Yanuck, Rudolph Raymond, Jr.
Zaist, William John

MEDICAL SERVICE CORPS

Ackley, Paul Nelson
Alewine, Charles Maynard
Aubin, John Edward
Bauley, Raymond Philip
Benedict, Walter Franklin
Benedito, Jose Peralta, Jr.
Bielawski, Jerome Joseph
Bolster, Harold Guy, Jr.
Borgia, Julian Frank
Brant, Robert Henry
Brubaker, Ralph Wesley
Buckley, William Michael
Bufano, Thomas Joseph
Cagle, Eddie Clarence
Campbell, Robert Eugene
Chitwood, Carl Steven
Conway, Michael Francis
Cowart, Paul Ray
Daniel, Paul Edwin

Donohue, Avon Robert, Jr.
Fregeau, Wilfred Armand
Galbreath, Robert Sheridan
Gardner, Gerald Laverne
Giron, Sagat Macaraeg
Gray, Donald Russel
Hazelton, Robert Henry, Jr.
Holstien, Elmer, Jr.
Hopkins, Robert Frank
Howard, Ivan Dean
Jackam, David Charles
Kellner, John Robert
Kennedy, Arthur Edmund
Lamasters, Michael Beach
Mataldi, Elio
McCalment, Theodore Emil, Jr.
McCracken, Gary Owen
Mills, Thomas Gilbert
Moore, Arthur William
Myers, Charles Michael
O'Brien, John Zepherino
Petersen, Neil Robert
Potts, James Conrad
Profita, Salvatore John
Pron, Sergei Frank
Relinski, Robert George, Jr.
Rider, Jackie Bruce
Roets, Gerald Edward
Romine, Damond Terrance
Ross, James Lowell
Russell, Jim L.
Sawyers, Earley William
Scholtes, Robert Joseph
Siggers, Adolph Lavelle
Steiner, Joseph Randolph
Talcott, Bruce Edwin
Tenopir, Stanley Joseph
Thomas, Whitney Proctor
Vaught, Charles Ronald
Wallace, Anson Arlington, Jr.
Wildes, Dudley Joseph
Wilkinson, John Preston
Woods, Ronald Stafford
Ziner, Anthony John

NURSE CORPS

Bloshinski, Elizabeth Rose
Cords, Marvin Dale
Mitchell, Mary Catherine

The following-named officers for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Hanzel, Joseph A., Jr.
Tillotson, Perry S.

The following-named officers for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Arsuaga, Miguel J.
Bogle, Aubrey W., III
Brooks, Robert E.
Clevenger, Vaughn W.
Hemmerle, George E.
Lamprou, Peter S.
Lauer, Klaus W.
Meador, Garry R.
Nolty, Gerald W.
Norwood, Michael J.
Paddock, John F., Jr.
Peterson, Carl M., II
Riley, Michael D.
Shewell, Daniel J.
Stockdale, Elwyne E.
Zarichny, Russell J.

SUPPLY CORPS

Kurz, Robert R.
Laing, Robert B., Jr.

CIVIL ENGINEER CORPS

Best, Thomas D.
Fisher, William G., Jr.

The following-named officers for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bogle, Aubrey W., III
Clevenger, Vaughn W.
Lamprou, Peter S.
Lumpkin, Claude C., III
Seaquist, Larry R.
Zarichny, Russell J.

SUPPLY CORPS

Boardman, Albert E.
Laing, Robert B., Jr.

CIVIL ENGINEER CORPS

Black, Dorwin C.
Fisher, William G., Jr.
Gerdel, David H.
Quigley, Stephen J.
Street, Clifford G.

MEDICAL SERVICE CORPS

Talcott, Bruce E.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Curreri, Robert C.
Davidson, Warren S.
Heilman, Mark E. J., IV.
Paulus, Helen M.
Tooker, Darrell T.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Burroughs, Niles P.
Clemons, David M.
Cotton, Robert L.
Day, Marvin G.
Lampert, Brian J.
Mahoney, Dennis M.
McDowell, Lane C.
Noble, Mark R.
Post, Richard A.
Schallock, Donald A.
Spratten, Nicholas L.
Thomson, James S.
Young, Wendall R.
Ehmcke, Lance D.

The following-named (Naval Enlisted Scientific Education Program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Foster, Michael S.
Modzelewski, Daniel M.

The following-named officers for temporary promotion to the grade of chief warrant officer, W–2, subject to qualification therefor as provided by law:

Abenante, Ralph P.
Allemand, Lawrence J.
Allen, Richard R.
Anderson, Jackson R.
Archibald, Robert J., III
Armstrong, Hugh, Jr.
Atchison, Ernest R.
Augustad, Robert L.
Bailey, Albert R.
Bailey, Vern E.
Beck, William A., Jr.
Bennett, Rethel C.
Bergst, Donald H.
Bird, Charles E.
Bitzel, Gerald D.
Boone, Horace E.
Boulay, William C.
Brooks, Harold F.
Brown, Gordon R.
Burke, Maxwell
Carlton, Robert F.
Cassada, Maxey F.
Cassady, John M.
Christiansen, Robert C.
Clark, Richard A.
Connolly, George E.
Dickinson, Edwin L.
DiPaolo, Francis P.
Dougherty, James H.
Duckworth, George E.
Evans, Paul A.
Finch, Dan D.
Franklin, Harrison L.
Frederick, Louis E.
Garrison, Billie A.
Gilbert, Lawrence T.
Glick, John W.
Graham, Charles P.
Gray, Ivan E.
Gregory, William J.
Grimes, Howell J.
Hall, Wilford C.
Hannan, Edward C.
Hannon, Billie G.
Hawks, Oda E.
Hebert, Julian B.
Henson, James M.
Herrington, Hollis F.
Hinman, Leroy T.
Hollen, Danny L.
Howell, Gilbert W.
Hughes, William N.
Johnson, James D., Jr.
Johnston, Jerry R.
Justinger, Richard M.
Keller, Everette R.
King, Orville C., Jr.
Kinner, Richard E.
Kondziela, Jack
Korka, William J.
LaFond, Paul A.
Lauder, Richard O.
Lear, Gerald S.
Lilly, Doyne J.
Lowe, Richard W.
Lutes, Jack
MacLeod, John D.
Maloney, William J.
McCormack, Walter F.
McManus, Theodore G.
McWilliams, Burnham P.
Meade, Joe D., III
Melton, James H.
Miller, Gerald J.
Mitchell, Burl W.
Morrell, George W.
Moudry, Joseph R.
Murray, William F., Jr.
Myers, Edward F.
Nally, James
Offe, Duane A.
Olson, Neal D.
Overfelt, Garland H.
Parrish, Wendell L.
Patterson, Richard L.
Pochkowski, Joseph D.
Posey, James A., Jr.
Price, Loyd H.
Priddy, Glenn R.
Reddix, Charles J.
Reynolds, Eugene N.
Richards, Donald P.
Richardson, David L.
Richey, James H.
Riddle, Billie D.
Ryan, James D.
Sadowski, Donald E.
Scott, Louis E.
Seals, William T.
Sell, Howard M., Jr.
Seymour, John C.
Shaffer, Darrell C.
Siglin, Daniel F.
Sijersen, Erick J.
Smith, Eldred C.
Soule, Louis M.
Spata, August
Steger, Earl L.
Stroup, William E.
Sunquist, Donald H.
Sweigart, Donald R.
Tounzen, Albert O., Jr.
Truman, Harold S.
Tucker, Howard A.
Turnquist, Arnold C.
Tyrrell, Thomas S.
Wald, Howard B.
Williams, Harold E., Jr.
Williams, Richard B.

Wilson, Robert H.
Windell, Marion A.
Winslette, Charles L.
Winslow, Robert L.
Woods, Melvin I.
Yates, Henry R., Jr.
Young, Harold J.

The following-named officers for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Carlson, Richard E.
Franz, John P.
Jokela, Carl R.
Probst, Lawrence E.

Ensign Richard T. Campbell for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

Lieutenant Commander Vincent S. Averna for transfer to and appointment in the Judge Advocate General's Corps of the Navy in the permanent grade of lieutenant and the temporary grade of lieutenant commander.

Lieutenant Donald E. Edington for transfer to and appointment in the Judge Advocate General's Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following-named officers for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Coffin, Charles E., III
Gray, Cameron R.
Griswold, Robert E.
Marshall, John P.
Quirk, David J.
Tate, David J.
Thomas, Gary L.
Young, Jeffrey A.

The following-named officers for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign:

Brent, Robert S.
Henderson, Roger H.
Huban, George H., Jr.
Lippert, Keith W.
Schoenfeld, John D.
Stein, John R.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Peter A. Acly
Robert L. Adams
William S. Alexander
Elizabeth J. Allen
David S. Althaus
Lester E. Amick III
Christen V. Anderson
Thomas M. Anderson
Timothy J. Anderson
James L. Anderson
John W. Anuszewski
Rodney A. Arena
Rufus A. Artmann, Jr.
Ashton D. Asensio
Michael D. Ashworth
Richard G. Averitt
Paul C. Bacon
Ronnie J. Bailey
David L. Baker
Raymond F. Baker
Wheeler L. Baker
John J. Banning
John C. Barber
James J. Barta
Allen C. Bartel
John M. Basel
Michael J. Baum
David C. Beaty
James H. Beaver
Lawrence C. Begun
Charles A. Bellis
Roy B. Bentson
Donald L. Best
Joseph A. Betta
Carolyn K. Bever
John L. Bilodeau
Willie R. Bishoff, Jr.
Walter R. Bishop
William R. Black, Jr.
Gary A. Blair
Robert J. Boardman
David A. Boillot
John A. Boivin
George J. Bolduc
Lynn L. Boyer III
Frank A. Bozanich
Bernard F. Bradstreet
Clifford A. Brahmstadt
Ian Brennan
Robert Bright III
James A. Brinson
George M. Brooke
Richard C. Brookes
Michael B. Brown
Richard M. Brown
Kenneth H. Bruner
James F. Buchli
Paul D. Budd
Robert J. Buechler
Mark C. Bunton
Victor L. Burgess
Ronald L. Burton
Donald J. Buzney
Mark A. Byrd
Douglas Caldwell
Carl P. Campbell
Donald F. Carey
Joseph R. Carlisle
Michael R. Carter
Howard C. Carver III
Michael R. Cathey
Merritt N. Chafey
Charles R. Champe
Richard E. Chapa
Roger G. Charles
Jonathan C. Chase
Bruce B. Cheever II
Maurice L. Chevalier
Robert E. Chiesa
Edward E. Chipman
Leslie A. Christian
Kenneth L. Christy
Stephen E. Chupik
John J. Clair III
Clair W. Clark II
Raymond J. Clatworth III
Roger W. Click
John J. Cochenour
Michael G. Coe
John R. Cole
Clelland D. Collins
Charles A. Collins
Gary E. Colpas
Peter L. Colt
Michael C. Connor
William C. Conrad
Blair P. Conway
Thomas M. Cook
Ronald J. Cornetta
Stephen E. Cox
Braford L. Craddock
John P. Cress
Randolph E. Crew
James C. Crockett
Stephen Cucchiara
William L. Culver
John T. Cummins, Jr.
Paul R. Daigle
Lawrence P. Dale
William E. Davidson, Jr.
Crane Davis
Dean R. Davis
Elmer H. Davis
Carson R. Day
Andrew P. Decker
Alan C. Decraene
Terence T. Deggendorf
Richard J. Deichl
Jack E. Deichman
Wayne A. Deines
Robert C. Delones
Michael P. Delong
James D. Delp
John R. Dempsey
Richard E. Dennis
Charles F. Depreker
Robert P. Devere
Bernard M. Devinny
Michael J. Dineen
William R. Donnelly
Robert C. Dopher, Jr.
Stuart A. Dorow
Kevin M. Doyle
Wayne C. Doyle
John W. Dumas
Charles C. Dunn
Robert L. Earl
Thomas B. Edwards
James S. Ehmer
Michael B. Ellzey
Dalton R. Ellis, Jr.
Wiliam P. Etter
John S. Evans, Jr.
Michael L. Evans
William C. Evans
James J. Ewing
Jonathan P. Feltner
Michael J. Ferguson
Patrick J. Finneran
John W. Fitch
Thomas E. Fitzpatrick
John R. Fogg
John J. Folan
James L. Foresman
Donald R. Forester
Richard R. Foulkes
Robert W. Fout
Stephen P. Freiherr
Claude R. Fridley
William P. Friese
Douglas D. Frisbie
Leonard R. Fuchs, Jr.
James R. Fuller
Charles S. Gaede
John P. Galligan
Domonick P. Gandiana
William J. Ganter
Algimantas V. Garsys
John R. Gazdayka
David M. Gee
George F. Getgood
James A. Gettman
Robert E. Gleisberg
Daniel M. Glynn
James A. Goebel
William G. Goodwin
Adrian J. Gordon
Lawrence O. Graeber
Robert L. Graler
Alfred Grieshaber
Grant P. Gustafson
Steven P. Hadar
John R. Hagan
Larry E. Hamblin
David W. Hammel
Arlen J. Hanle
Robert W. Hansen
Norman F. Hapke
John T. Hart
Michael J. Hart III
Patrick C. Harwell
David W. Haughey
David M. Hauntz
Paul Hayes
Eldwin D. Heely
Klauspeter Heinemeyer
Howard L. Helms
Floyd P. Henry
Edward W. Hermansen
Richard L. Herrington
Preston E. Hicks
William R. Higgins
Thomas A. Hobbs
Harold D. Hockaday
James C. Hodges
Charles O. Hoelle
Emile W. Hoffman
Robert C. Holden
Robert J. Holihan
John N. Holladay
Richard E. Holt
Franz H. Honeycutt
Richard G. Hoopes
Raymond A. Hord
Joseph R. Horton
Patrick G. Howard
John M. Hudock
Lucien N. Hudson, Jr.
Richard B. Hudson
Larry D. Hunt
Frederick L. Huntington I
James W. Hust
Robert H. Hutchinson
Robert P. Isbell
William P. Isbell
Nathan D. Jacobs
Albert E. James, Jr.
Joseph L. Janc
Herman R. Jennette, Jr.
Richard M. Jessie, Jr.
Russell L. Johnson
Russell H. Johnson
Ronald P. Johnson
Anderson Jones
James F. Jones
Sidney A. Jones III
Stuart C. Jones
Harold D. Kadolph
Frank J. Kaiser
William B. Kalish
Michael R. Kanne
John F. Karch
William W. Kastner
Wayne S. Keck
William R. Keefe
Joseph A. Kelleher
Edwin C. Kelley
Jack H. Kemeny
Edward R. Kenney
Lloyd E. Kenney
Gerald L. Keys
John A. Kieffer
Gary J. Kiel
John P. Kiley
Ronald D. Kincade
Charles W. King
William J. Kirkpatrick
John J. Kispert
Harold W. Knotts
Joseph J. Kollar
Nicholas L. Kopchinsky
Kevin L. Kuluvar
Richard H. Kunkel, Jr.
Richard C. Kurth
Gregory S. Kuzniewski
Albert S. Kyle
Richard O. Laing
Howard W. Langdon, Jr.
Michael D. Langston
Robert L. Lanham
John P. Larrison
John D. Lawson
Fitzhugh B. Lee
Edward G. Lewis
Francis E. Lewis
James T. Lewis
Richard F. Liebler
Richard E. Link
Dennis L. Lister
Robert M. Lloyd
Charles H. Loeffler
Gary L. Loomis
Earle S. Lott
Francis B. Lovely
John S. Lowery, Jr.
Forest L. Lucy
Warren R. Madsen
John C. Malinowski, Jr.
Marion R. Mann
Philip M. Marrie
Justin M. Martin
Thomas A. Martindale
John H. Masters, Jr.
Steven R. Matulich
John F. Matus
Douglas B. May
Robert M. McBride
Dennis M. McCarthy
Michael E. McClung
Paul R. McConnell
Orval W. McCormack
Patrick J. McDonald, Jr.
Michael M. McElwee
Thomas M. McEntire
George L. McGaughey
Arthur L. McGinley
George R. McKay
Donald S. McKee
James H. McKelligon
John P. McMinn
Daniel D. McMurray
James R. McNeece
William D. McSorley
David E. Melchar
Richard Metli
Patrick A. Michel
John C. Millen
Eugene D. Miller III
Rodney A. Miller
Edward H. Mills
Wallace W. Mills
John W. Moffett
Carl W. Monk, Jr.
John W. Monk
Walter H. Moos
Michael D. Morgan
Ronald H. Morgan
Michael K. Morrison
Michael K. Morrow
Gary W. Moser
Cyril V. Moyher
Garrell S. Mullaney
Michael R. Mullen
John J. Munn
Stephen A. Munson
William H. Munyon
Edward J. Murphy
James P. Murphy
James E. Murray
John K. Narney
Richard O. Neal
Rafael Negron
Marion W. Neighbors
Jan H. Nelson
Robert B. Newlin
Roy D. Newman
Raymond J. Norton
Henryk Nowicki
James M. O'Brien, Jr.
John J. O'Brien
Robert J. Orourke
Edward M. Oshaughnessy
Eugene M. Ozment
Jerry G. Paccassi II
Peter Pace
Robert A. Packard
Matt Parker
Paul D. Parker II
David B. Peake
Richard E. Peasley
Anthony J. Pesavento
David W. Peters
Linn B. Peterson
George M. Pfeiffer, Jr.
Lloyd O. Phelps
George Philip
James B. Phipps, Jr.
Gerald E. Plant
Bernard H. Plassmeyer
Bernard T. Polentz
Richard J. Popps
John C. Powers
Ronald E. Pruiett
Kenneth R. Ptack
Henry P. Purdon
Harry Q. Radcliffe
James K. Ramaker
William E. Ransbottom
Charles D. Raper
David G. Ray
Nathaniel H. Reed
Thomas L. Reilly
Joseph H. Reinhardt
Joseph F. Renaghan
Richard L. Reuther
Rockne C. Rhoda
Orin J. Riddell II
Durwood W. Ringo, Jr.
Francis A. Ritchey III
Larry E. Roberson
Joseph A. Robitaille
Craig S. Roepke
Raymond A. Roll
Robert N. Roman
Michael G. Roth
Randolph C. Rounds, Jr.
James R. Ryan
Michael D. Ryan
George N. Samaras
Jack L. Sammons
James C. Sanborn
Michael B. Sandberg
Andrew R. Sargent
Edward A. Saunders
Donald A. Scheer
Charles W. Schillinger
John A. Schmid
William J. Schmitt
Karl R. Schroeder
Peter G. Shutz
Richard S. Scivicque
James F. Seagraves
Jules B. Selden
James D. Selim
William C. Sellmer
Richard A. Sergo
Kenneth L. Shackleford, Jr.
Rodney E. Shapiro
Dennis R. Shaw

William J. Sheahan
Michael M. Sheedy
Loren H. Shellabarger
Kermit H. Shelly, Jr.
Michael F. Shields
Michael R. Shuttleworth
Walter F. Siller, Jr.
David P. Skiles
Gregory G. Sloan
John J. Slough
Ronald F. Smee
Clinton A. Smith
Daniel M. Smith
Michael D. Smith
Ray L. Smith
Frederick G. Snocker
Kenneth A. Solum
Deforest D. Spindler
Richard D. Spitz
Jeffrey L. Spoon
Jonathan B. Stad
Christopher C. Staley
Charles Steele
Martin R. Steele
Edward R. Stepien
Jack A. Stevens
Norman R. Stocker
Ronald M. Stoll
John B. Strange
John J. Sullivan
Stephen I. Szabolcs
Robert Tait, Jr.
Bayard V. Taylor
Cecil V. Taylor
William P. Taylor
Benjamin L. Tebault
William J. Tehan III
Robert F. Thompson
William G. Thrash
Raymond S. Tiney, Jr.
Warren S. Titcomb
Charles Toeniskoetter
Owen J. Toland
Alan S. Toppelberg
Clyde R. Trathowen
John B. Tritsch
Thomas R. Trompeter
Courtney L. Tucker
William M. Tucker
Colin B. Tweddell
Carl W. Ulrich
Daniel V. Urban
Thomas R. Utley
Peter H. Vanzandt
Douglas C. Vassy
David A. Vetter
John R. Voneida
Bob C. Walker
Robert W. Waller
Charles F. Warford
Clifford B. Warren III
Robert G. Warren
Arthur S. Weber, Jr.
Harry R. Weber III
David E. Weir
Marshall R. Wells
Donald T. Welsh
Joseph R. Welsh
Gerrit L. Wiescamp
Edward J. Wietecha
David E. Wilbur
Thomas L. Wilkerson
James G. Williams
Michael J. Williams
Richard F. Williams
John T. Williamson
Brooks C. Wilson
Bruce B. Wilson
Frank A. Wiseman
Stephen M. Wistrand
Terry L. Wojcik
Charles E. Wolfe
James Wolfe
Dalney E. Wooldridge II
Theodore R. Woollens
Carroll L. Wright
Ronald J. Wroblewski
John W. Wuethrich
James F. Wzorek, Jr.
James A. Yorg
Walter R. Young
George A. Zahn
Jeffrey M. Zimmerman
Lawrence R. Zinser

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Albert A. Acri
Andrew W. Adams
Walter A. Akahosi
Richard L. Alderson
Robert H. Aldrich
Richard L. Ale
Charles B. Alexander III
John E. Allen
Thomas E. Allen
Joseph N. Anderson
Scott D. Anderson
Russell A. Andress
Donald A. Angle
William V. Arbacas, Jr.
Michael V. Avery
Howard R. Bacharach
John M. Baldwin
Jeri D. Balsly
Allen Baltezore
Terry L. Barnes
Thomas C. Baumgaertel
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Nolan W. Wright, Jr.
James J. Yantorn
John W. Yarrison
Kenneth H. Yazel
William C. Young
Bernard G. Zickefoose
Martin J. Zigovsky

The following-named officer of the Marine Corps for permanent appointment to the grade of captain:

William H. Ganz

U.S. CIRCUIT JUDGE

William E. Miller of Tennessee to be a U.S. circuit judge, sixth circuit vice Clifford O'Sullivan, retired.