SENATE—*Thursday, March 5, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

O God our Father, as we begin this day we ask Thee to take us in Thy care—each of us and all of us. Direct, control, and guide us through the coming hours.

Be in our minds that no unworthy thought may gain an entrance.

Be on our lips that we may speak only the truth.

Be in our wills that we may learn how to be both kind and firm.

Be in our hearts that they may be warm with love for Thee and for our fellow man.

Help us, O Lord, to begin, continue, and end this day with Thee.

In Jesus' name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 5, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 4, 1970, the Secretary of the Senate on March 4, 1970, received the following message from the House of Representatives:

That the House had passed, without amendment, the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and it was signed by the Acting President pro tempore (Mr. HOLLINGS).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 4, 1970, be dispensed with.

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

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 Maine (Mrs. SMITH), there be a time limitation of 3 minutes in relation to routine morning business.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. With the consent of the distinguished Senator from Missouri (Mr. EAGLETON), and taking away none of his time, I would like to bring up some unanimous-consent requests.

The PRESIDING OFFICER. Does the Senator from Missouri yield for that purpose?

Mr. EAGLETON. I am happy to yield to the majority leader.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 708, and that the remaining measures be considered in sequence.

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

CONTINGENT FUND OF THE SENATE

The resolution (S. Res. 358) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate was considered and agreed to, as follows:

S. RES. 358

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

CONGRESSIONAL RECORD SUBSCRIPTION RATE

The Senate proceeded to consider the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

Mr. SCOTT. Let me say that this bill was reported from the Committee on Rules and Administration. The subscription price of the CONGRESSIONAL RECORD, I think, has not been increased since the early 1880's. Apparently the Government is not aware that the costs have increased during that time.

It is the intention now to increase the price only a little more than to cover the actual cost of issuance of the RECORD. While this will be a fairly substantial increase, from $1.50 a month to as much as $4.50 a month, on an estimate, nevertheless, it is necessary for the Government to balance its books on its own publications.

Mr. MANSFIELD. Does the Senator from Pennsylvania believe the CONGRESSIONAL RECORD will be a bargain at the new price?

Mr. SCOTT. I would think that if one is the kind of person who reads the CONGRESSIONAL RECORD, it would be a bargain at the new price, yes.

Mr. MANSFIELD. Is this another indication of the Nixon administration's desire to tighten up on unnecessary expenditures like the proposal to abolish the Board of Tea Tasters, and the like?

Mr. SCOTT. I would say to the distinguished majority leader that this suggestion comes from the Committee on Rules and Administration, but was enthusiastically concurred in by all the tea tasting members of the committee.

Mr. MANSFIELD. In other words, this is a bipartisan proposal.

Mr. SCOTT. This is a bipartisan form of economy. I hope it does not cut down interest in the CONGRESSIONAL RECORD which we try our best to make more readable every day, in every way.

Mr. MANSFIELD. This just goes to show that we do have chitchat here on the floor of the Senate every now and again.

Mr. SCOTT. This does go to show——

Mr. MANSFIELD. Who is going to have the last word here?

[Laughter.]

Mr. SCOTT. This shows, of course, that we are now increasing the length of the CONGRESSIONAL RECORD thereby.

The bill (S. 3339) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last full paragraph of section 906 of title 44, United States Code, is amended to read as follows:

"The Public Printer may furnish the daily Record to subscribers at a price determined by the Public Printer based upon the cost of printing and distribution, such price to be payable in advance."

"ORGANIZED CRIME CONTROL ACT OF 1969"

The concurrent resolution (S. Con. Res. 55) authorizing the printing of additional copies of Senate Report 91-617, entitled "Organized Crime Control Act of 1969," was considered and agreed to, as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91-617).

HISTORY OF THE COMMITTEE ON FINANCE

The Senate proceeded to consider the resolution (S. Res. 355) authorizing the printing of a history of the Committee on Finance as a Senate document which had been reported from the Committee on Rules and Administration with amendments in line 3, after the word "illustrations," strike out "and appropriately bound as directed by the chairman and approved by the Joint Committee on Printing;" at the beginning of line 6, strike out "seven" and insert "five", so as to make the resolution read:

S. RES. 355

Resolved, That a compilation of materials relating to the history of the Committee on Finance be printed as a Senate document with illustrations, and that there be printed two thousand five hundred additional copies of such document for the use of that committee.

The amendments were considered and agreed to en bloc.

The resolution, as amended, was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senator from Missouri (Mr. EAGLETON) is now recognized for 40 minutes.

SENATE JOINT RESOLUTION 181—INTRODUCTION OF A JOINT PRESIDENTIAL ELECTION PROCESS REFORM

Mr. EAGLETON. Mr. President, one of the most urgent challenges before the 91st Congress is to reform the presidential election process.

During the 1968 election, doubts that had accumulated over the years about the adequacy of the electoral college were transformed into very real fears—fears that a President might be elected who had not received a plurality of votes, fears of a deal for votes within the electoral college, fears of an election thrown into the House of Representatives.

Of all the legislative work before us now, none is of greater importance than finding a new and better electoral process which will measure up to the intent of our democratic Constitution and at the same time give new stability and durability to our governmental institutions.

Under the leadership of the distinguished junior Senator from Indiana, (Mr. BAYH), this Congress has responded to the demonstrated need and growing demand for electoral reform. On September 18, 1969, the House of Representatives took the historic step of approving a constitutional amendment to abolish the electoral college and replace it with the direct election of the President. Hearings have been held before a subcommittee of the Senate Judiciary Committee on that amendment and the Judiciary Committee will soon begin its own consideration of the best method of changing the presidential election process.

Of the four major alternatives that have been advanced in the Congress—the district plan, the proportional plan, the automatic electoral college plan, and the direct election plan—the latter has seemed to me to be preferable. It is the only option which respects the principle of popular sovereignty and adheres to the general proposition that the President of the people should be the choice of those people. Therefore I have cosponsored and supported Senate Joint Resolution 1—the direct-election plan introduced by Senator BAYH in this body and enacted in substance by the House of Representatives.

In recent months, however, a number of troubling problems have been raised about possible consequences of the proposed direct election plan—questions that I believe cannot be ignored.

First, under the direct election plan it would be possible that a candidate could be elected President who lacked a broad base of support throughout the country. For example, in a multiparty race, the victorious candidate could receive 40.1 percent of the popular vote without being the popular choice of the voters in any State. Or a candidate in a two-way race could lose the contest in most of the 50 States and the District of Columbia by a close margin and yet be elected President by piling up a substantial margin in only one or two States.

Would either of these results be any more acceptable to the American public than the election, under our present system, of a candidate who had won in the electoral college but had lost the popular vote? I doubt it. In my judgment, a President of the United States who hopes to govern effectively must be able to demonstrate not only that he has a plurality in the popular vote, but also that he has widespread support throughout the entire country.

Second, the runoff which is a necessary ingredient of the direct-election plan would, I believe, lead inevitably to the proliferation of political parties. These parties would not necessarily be national or even regional parties. They would probably be ideological parties formed around a particular issue or based on a "personality cult" centered on a particular individual. And if these parties were formed it does not require much imagination to foresee the kind of bargaining for endorsements, withdrawals and votes that could occur, both prior to a close election and between an election and a runoff.

Why should people not "vote their conscience" in a first election when the system will probably permit them a later opportunity to vote for a so-called compromise choice? Why should blacks, or farmers, or doctors, or conservationists, or feminists bother to compromise within the two-party context when their most direct route to influence would appear to be through running candidates who can toss presidential elections into a runoff situation?

I, for one, am concerned about these possibilities. In my judgment, the well-being of this country would suffer if its presidential elections were marked by a multitude of splinter parties, each appealing for votes on particular questions. Our political system would become factionalized, with numerous groups taking uncompromising stands and rejecting the realistic compromises which are so essential in a democratic society. At a time when the tendencies toward political fragmentation and ideological division are all too evident in this country, we must view with the gravest concern any change in our electoral processes that may aid and accelerate these tendencies.

Third, the direct-election plan raises awesome problems relating to vote recounts and the possibility that fraud committed in isolated precincts throughout the United States might taint an entire national election.

Let us remember that there are over 150,000 polling places in the United States. In 1960, the miscounting of a single vote in less than half of these polling places could have altered the entire election outcome. In 1968, a change of less than two votes in every polling place would have changed the outcome. Are we prepared to deal with an electoral system in which local decisions as to the counting of certain incorrectly marked ballots may be the crucial factor in determining whether a particular candidate has attained 39.9 percent of the popular vote or 40.1 percent of the popular vote? And are we ready to adopt a presidential election system in which the actual outcome may not be known for weeks or even months, even in the absence of a runoff?

Today, on behalf of myself and the Senator from Kansas (Mr. DOLE), I wish to introduce an alternative proposal in the form of a new joint resolution.

Our proposal, which we call the "federal system plan," has been developed by a Washington attorney, Mr. Myron Curzan, in conjunction with my staff. It has been reviewed and approved by several constitutional law scholars who view it as a substantial improvement over the proposed direct-election plan.

The federal system plan embodies the essential rightness of the one-man, one-vote principle, but modifies the direct-election plan in an effort to eliminate some of its dangers.

It provides that the popular vote winner will be declared President so long as there is also a showing that his victory is based upon widespread national support.

It eliminates the need for a runoff, thereby removing the paralyzing effect which third parties may have under the present system and could have under the proposed direct election plan.

It insures that the results of a presidential election will be known as soon as the count is completed, with no period of uncertainty and no opportunity for the kind of horse-trading that is possible either under the present system or under the direct election plan.

The federal system plan would operate as follows:

First. A candidate who had won a plurality of the total popular vote would be declared President if he had also won

either a plurality in States—including the District of Columbia—which contain more than 50 percent of all voters participating in the election, or a plurality in more than 50 percent of the States—including the District of Columbia. We call this second initial qualification the "50 percent rule."

Second. If the popular vote winner failed to satisfy one or the other of the 50 percent rule requirements, then the President would be selected on the basis of electoral votes. The presidential candidate with the most popular votes in a particular State would be automatically awarded the State's electoral vote, which would equal the number of Senators and Representatives to which that State is entitled in the Congress. The District of Columbia would be treated as if it had three congressional votes. A candidate with a majority of electoral votes would win.

Third. If no candidate received a majority of the electoral votes, the federal system plan would then eliminate all but the two national candidates with the most electoral votes and redistribute the electoral votes of the others. The electoral votes won by third party candidates would be awarded on a State-by-State basis to the two national candidates in proportion to their relative share of the popular vote in the respective States. The candidate receiving a majority of the electoral votes following this redistribution would be elected President.

In this proposal, we have attempted better to mesh two of the concepts upon which our governmental structure is based—the concepts of popular sovereignty and federalism.

In my judgment, this proposal adds an essential ingredient lacking in a simple nationwide popular victory—a legitimating factor. It provides the means for insuring that any popular vote winner will have the backing of the people of both large and small States and of States distributed throughout the country. No man would be able to attain the Presidency by merely winning an overwhelming popular vote in one or two States, or in a particular region. Rather, he would have to show that his support is sufficiently broad to give him a true mandate to be the Chief Executive of the entire Nation.

Aside from providing this legitimating factor, the federal system plan should have a number of other salutary effects:

It should, I believe, reinforce and strengthen the two-party system. For under its provisions, the objective of each of the major parties would not only be to win the national popular vote, but also to win in each State. In addition, the power of third parties to affect the outcome of an election, and hence their appeal to the electorate, would be substantially reduced.

The significance of swing States would be retained and minority groups within those States would continue to have power to affect the result of a presidential race within the two-party framework.

The federal system plan would permit recount and fraud problems to be contained and dealt with on the State level.

The possibility of qualifying by winning States with 50 percent of the votes would be a new and powerful incentive to get out the vote.

Mr. President, I am aware that the proposal I am introducing today on behalf of myself and the Senator from Kansas (Mr. DOLE) comes late in the debate on electoral reform. I am also aware that it is a complex proposal and one that must be subjected to close scrutiny. I believe, however, that it is essential that it be given the most serious consideration. The step we are about to take in electoral reform is a momentous one, and it should not be taken without first examining all of the alternatives.

I ask unanimous consent that the joint resolution embodying the federal system plan be printed in the RECORD at this point. I also ask unanimous consent that a detailed memorandum explaining both the federal system plan, and the problems with which it is meant to deal, be printed as a supplement to my remarks and the resolution. I send to the desk the joint resolution and ask that it be appropriately referred.

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

The joint resolution (S.J. Res. 181) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States and for the determination of the result of such election introduced by Mr. EAGLETON, for himself and Mr. DOLE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

The material submitted by Mr. EAGLETON is as follows:

S.J. RES. 181

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of Government of the United States shall vote directly for the President and Vice President. In such elections, each voter shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"SEC. 2. The voters in each State shall have the qualifications requisite for the voters of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for voters from the District of Columbia.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes in the election shall be declared elected President and Vice President if such persons have also obtained the greatest number of votes among the candidates running for President and Vice President in States containing more than 50 per centum of the total number of voters in such election or in more than 50 per centum of the States.

"If the pair of persons joined as candidates for President and Vice President who received the greatest number of votes throughout the United States failed to obtain the greatest number of votes in States containing more than 50 per centum of the total number of voters in the election or in more than 50 per centum of the States, then the votes received by each pair of persons joined as candidates for President and Vice President shall be separated according to the States in which they were received and in each such State, the pair of persons joined as candidates for President and Vice President who received the greatest number of votes therein shall be automatically credited with a number of electoral votes which shall be equal to the whole number of Senators and Representatives to which such State is entitled in the Congress, and if any pair of candidates for President and Vice President shall have received a majority of the electoral votes of all of the States they shall be declared elected President and Vice President.

"If no pair of candidates for President and Vice President shall have received a majority of these electoral votes, then all but the two pairs of such candidates receiving the greatest number of electoral votes of all of the States shall be eliminated, and the electoral votes which any of these eliminated pairs of candidates received in any State shall be credited to the two leading pairs of candidates in proportion to the number of people who voted for these two pairs of candidates in such State. In making this computation, fractional numbers less than one one-thousandth shall be disregarded. The pair of candidates receiving the greatest number of electoral votes after such crediting of electoral votes shall be declared elected President and Vice President.

"SEC. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"SEC. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President, for the case of the death of both the President-elect and Vice-President-elect, and for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 8. The District of Columbia shall be treated as a State for purposes of this Amendment.

"SEC. 9. This article shall take effect on the 1st day of May following its ratification."

ELECTORAL COLLEGE REFORM—A CASE FOR THE FEDERAL SYSTEM PLAN

As Congress considers reforming the electoral process through which this country selects its Presidents, both the simplicity and

the apparent fairness of the "one man, one vote" principle constitute strong arguments in favor of a direct election system. Certainly, these considerations appealed to the House of Representatives when it adopted a resolution calling for the direct election of the President on September 18, 1969.

DIRECT ELECTION PITFALLS

There are, however, at least seven serious pitfalls in the direct election (winner must have at least 40% of the total votes cast) system which the House adopted and which is now before the Senate Judiciary Committee. These pitfalls are as follows:

1. A Presidential Candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the states. In 1968, Hubert Humphrey was the popular choice of only 13 states plus the District of Columbia. Had he simply carried New York State by half the popular vote margin by which Lyndon Johnson carried it in 1964 and lost the seven states which he won by relatively close margins, he would have been elected President by approximately 250,000 votes. He would, however, have been the preferred choice of the voters of just six out of 50 states and the District of Columbia. In a federal system such as ours, it would certainly seem no more acceptable that a man should be President when he is the popular vote winner but the choice of only a handful of states than when he is the winner in the electoral college but the loser in the popular vote. A Chief Executive who hopes to govern effectively in the United States must be able to show that he is not simply the choice of the people, but rather that he is also the choice of the people of a number of states.

SPECIAL INTEREST PARTIES

2. An electoral system involving possible runoffs inevitably invites a proliferation of special interest, sectional, and charismatic figure parties.

Professor Maurice Duverger has written about the United States: "The absence of a second ballot . . . in the Presidential election constitutes in fact one of the historical reasons for the emergence and the maintenance of the two-party system." Under the proposed direct election system, many racial, ethnic, and interest groups would feel that they had lost all power in the election process since their ability to influence the outcome in key swing states with large blocs of electoral votes would no longer be relevant. Their only hope for regaining leverage under a direct election system would be through the creation of new Presidential parties. These parties would then solicit votes to promote their parochial causes—the National Gun Party, the National Dairy Farmers' Protective Party, the National Students' Party, the Black Welfare Rights Party—with considerable certainty that they would have an opportunity to trade off their votes in either a runoff election or immediately before the initial election when surveys indicated the closeness of the vote between the two major party candidates or the uncertainty that either of these candidates would obtain 40% of the popular vote. To quote Richard Scammon of the Elections Research Center:

"If you really want to stop proliferating candidates under any system you give people one vote. This is really why we have two parties operating in this country in November. You only get one shot at voting. Once you allow people a second shot under any conditions you give the opportunity, for example, for Mr. Wallace to in effect say to his electorate, 'Now, on the first ballot vote your convictions. Stand up for what you really believe in. You will get another chance on the second ballot if you have to. Besides, we might make second place.' . . . [The direct election with a runoff] is why in some parts of the South in primaries you get the first ballot loaded up with candidates, sometimes enormous numbers . . . because everybody knows, though, they are going to have a second shot at this." (Hearings on Electoral College Reform Before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 1st Sess. at 341.)

A multiplicity of Presidential parties taking ideological positions—often irresponsibly—could only produce the tragic effect of polarizing this country on a wide variety of issues, and leaving our polity without the underlying harmony which makes it governable.

Moreover, a direct election system built upon a 40% plurality requirement could lead to the creation of new parties centered on specific individuals, which in turn might have the effect of ensuring the election of comparatively unpopular candidates. For example, let us assume that in a direct election system, Party A were to select a candidate whose ideological position on a number of issues made it appear to many in Party B that Party A's candidate could never hope to win more than about 45% of the popular vote. Let us also assume that Party B were to contain two charismatic figures and that one of them, Mr. X, were certain that the other, Mr. Y, had the Party B nomination sewed up. What if Mr. X were then to calculate that it made sense for him to run as well since he was certain that he could:

Take 25% of the total popular vote which formerly was committed to Mr. Y,

Take 7% of the voters committed to the candidate from Party A, and thereby

Deny both candidates the requisite 40% and ensure a runoff in which he would be the second candidate and the probable winner.

However, should Mr. X prove wrong in one calculation—that he can take 7% of the vote away from Party A's candidate—this nation might well find itself faced with the unfortunate prospect of living with one man's blunder. In short, it might awake to find that it had elected an unpopular and ideologically unacceptable President from Party A—a President who has been given his "mandate" under the direct election system with some 40.1% of the popular vote.

RECOUNTS

3. In close elections, like those of 1960 and 1968, the recount problem could be staggering, as would the temptation to commit fraud. Under a simple direct election system, it would not be possible or relevant—as it is today to isolate the states in which vote-count problems had arisen.

There are over 150,000 polling places in the United States. It should be remembered that under a direct election system, two miscounted votes in each polling place in the United States would have shifted the 1968 election from Richard Nixon to Hubert Humphrey. The miscount of only one vote in half of this country's polling places in 1960 could have changed the result in that Presidential election.

One need have little imagination to conjure up visions of elections in which the country anxiously awaits word of who its new President is to be while recounters puzzle over discarded or poorly marked ballots in rural and urban counties throughout the entire United States.

Finally, it must be added that recount problems will be further complicated in the proposed direct election system by questions which may arise if the issue is whether a particular candidate has received 40.001% of the popular vote or 39.999% of the popular vote.

COST

4. The cost of Presidential elections would soar once a number of parties had become involved and runoff elections had become part of the system. Each of our major parties is already sagging under the burden of financing Presidential campaigns. What new problems relating to campaign fund suppliers and their influence on substantive decisions will be raised if parties are forced to obtain double or triple the present sums to finance two-tiered Presidential races?

FEDERAL SYSTEM WEAKENED

5. A direct election system would drastically weaken the federal system. Candidates would ignore small and medium-sized two-party states and focus either on the most populous areas (comprised of a few fairly homogenous states) or on one-party states, where substantial popular margins could be obtained.

Under a direct election system, the objective of each candidate will be to concentrate on those States and regions where he can maximize his popular vote and minimize the popular vote of his opponents. Under the present electoral college system, it is crucial for a candidate to win in medium-sized and small two-party States. For today, a hard-fought victory in such States as Indiana, Iowa, Maryland, South Dakota, and Washington together is of greater value than a victory in California. Under a direct election system, this will no longer be the case. If a candidate can carry California or New York by a wide enough margin, he can offset losses in the four named, as well perhaps five or ten other, States.

Moreover, the medium-sized and smaller two-party States will also get shunted aside in a Presidential campaign in favor of one-party States. For why should a candidate strive to win a close election in a State with two million voters when he can realize a greater advantage by obtaining a huge margin in a one-party State with only one million voters? And—if one wishes to carry this logic further—why should a candidate even make a great effort in an extremely close race in one of the large States, when he knows that he can easily make up any differential in a small one-party State?

MINORITIES

6. A direct election system would curtail the power—which exists within a two-party electoral college context—of urban-oriented racial, ethnic and other minority groups, since these groups would have reduced ability to affect the outcome of a Presidential election. This reduction in power for various urban voting blocs would occur for the same reason as the reduction in the power of small, medium, or even large two-party states.

The best interests of this country do not lie in removing the power which these urban groups have in Presidential races. To ask them to rely on the Congress for that representation is unfair. Even with the gains which have resulted from reapportionment decisions, the Congress remains most responsive to rural and suburban constituencies.

The passage of a direct system might well ensure that all of these voting blocs—in an effort to be heard and to obtain influence in the selection of the President—would take the only logical step left open to them, namely, the creation of Presidential parties, which can barter votes for power in subsequent runoff election.

ADOPTION UNLIKELY

7. A direct election system stands little chance of being adopted by three-fourths of the states since small two-party states which come to understand the power they are relinquishing under a simple direct election system will reject it. Such a rejection will have the unfortunate effect of legitimating the present electoral college system, and will set back the cause of an electoral reform for many years.

The District Plan and the Proportional Plan, which have been suggested at various times in our history, do not offer any clear advantages over the present electoral college system. In fact, both of these plans provide even less assurance than does the present electoral college that the popular vote winner throughout the country will become President. Retention of the present electoral

college system—but with an automatic electoral vote to avoid faithless electors and a revised contingency election system in which the President is selected by a vote of the individual members of Congress—has the built-in disadvantage that it provides no procedures to deal with the possibility of a divergence between the popular vote winner and the electoral college winner.

Is there a way to avoid the pitfalls involved in all of these electoral college reform proposals, while at the same time fashioning an electoral system which maintains basic adherence to the popular sovereignty principle of one man, one vote?

THE FEDERAL SYSTEM PLAN

The Federal System Plan, outlined below, may offer a viable alternative. This system—which builds upon the simple direct election formula as enacted by the House of Representatives and proposed in the Senate by Senator Bayh—would provide that any candidate who was the popular vote victor under circumstances which demonstrated that this victory was based upon support throughout the nation would be elected President. Moreover, it would provide a method for effectively eliminating the paralyzing effect which third parties may have under both the present electoral college and under the direct election system.

The Federal System Plan would work as follows:

1. A President would be elected if he (1) won a plurality of the national vote *and* (2) won *either* pluralities in more than 50% of the states and D.C., *or* pluralities in states with 50% of the voters in the election. The latter would be called the "50% rule."

2. If no candidate qualified, the election would go to an Electoral College where the states would be represented as they are today, and each candidate would automatically receive the electoral votes of the states he won. A candidate who won a majority of the electoral votes would be elected President.

3. In the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of states which went for third-party candidates would be divided between the two leading national candidates in proportion to their share of the votes in those states.

THE "50 PERCENT RULE"

The "50% rule" is designed to reconcile the principle of federalism with the principle of popular sovereignty. It would award the Presidency to the national popular vote winner of he had been able to demonstrate that he had a broad base of support across the country. The "50% rule" would provide a better indication of whether a popular vote winner had the national support needed to govern this country effectively than would the 40% minimum popular vote formula contained in the present direct election proposal.

ELECTORAL VOTES

If no candidate qualified under the 50 percent rule and an election went to the Electoral College, the Presidential candidate with the most popular votes in a particular state would be automatically assigned that state's Congressional vote quota (hereinafter referred to as "electoral votes")—namely, the number of Senators and Representatives it is entitled to under the Constitution. The District of Columbia would have three electoral votes. If one candidate obtained a majority of the electoral votes assigned to all of the states, he shall be declared President.

The real key to eliminating third party fragmentation in a Presidential election system is to persuade the voter that he would be wasting his power to choose the next President if he voted for the candidate of a narrowly based party. The Federal System Plan achieves this result by providing that if the popular vote winner has not satisfied the "50% rule," then the President will be selected on the basis of the vote outcome broken down on a state-by-state basis.

REDISTRIBUTION OF ELECTORAL VOTES

If no candidate has an initial majority of the electoral votes—which might occur because of the presence of third party candidates—the Federal System Plan would then eliminate all but two leading candidates from consideration and redistribute the electoral votes won by any other candidates in particular states. Redistribution of the electoral votes won by "third party" candidates would be done proportionally, based on the relative number of popular votes obtained by the two leading national candidates in the particular state being redistributed.

In a redistribution situation, proportionalization of electoral votes is fairer than the winner-take-all method which will be used when counting electoral votes initially.

It is expected that this redistribution technique will rarely be used since virtually all "third parties" which do not have a broad national base—such as the Bull Moose Party had in 1912—will be discouraged from entering candidates. People will not vote for such candidates when they realize that by doing so, they are throwing away their votes and leaving the choice of the President to other residents in their state who vote for the candidates of the two major parties.

BENEFITS OF PRESERVING THE FEDERAL ELEMENT

By melding the direct election plan—as enacted by the House of Representatives—with a concept that takes this nation's federal design into account, it is possible to reduce the difficulties which are inherent in a simple one man, one vote proposal.

Under this hybrid Presidential election system, the objective of each of the major parties will not only be to win in the national popular vote, but also to win in each state.

Candidates can be persuaded to pay attention to the needs of all states—including small ones.

The power of swing states and the minority groups who live in them can be retained and the prospect of flourishing splinter parties negated.

The problem of voter fraud can be localized, the complexities relating to vote recounts can be more easily avoided.

Finally, by building into the electoral process a factor which is dependent upon the total number of people voting in each state in that election, we would create (1) an incentive to encourage voting and (2) a mechanism which takes account of population shifts not reflected in the current electoral college system which is based upon a census that may be ten years old on the date of an election.

HYPOTHETICAL EXAMPLES OF PRESIDENTIAL ELECTIONS UNDER THE FEDERAL SYSTEM PLAN

1. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.5 million popular votes. Candidate A has been the popular vote victor in 29 states (including the District of Columbia). Under the Federal System Plan, he would have satisfied the 50% rule and would be declared President.

2. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidates B receives 49.5 million popular votes. Candidate A has been the popular vote victor in only 22 states. However these states contained approximately 55% of the people voting in that election. Under the Federal System Plan candidate A would have satisfied the 50% rule and would be declared President.

3. Candidates A and B are the only two significant candidates running for the Presidency. Candidate A receives 50 million popular votes; candidate B receives 49.8 million popular votes. Candidate A is the victor in 23 states containing approximately 48% of the people voting in that election. Under the Federal System Plan candidate A would not have satisfied the 50% rule which would automatically make him President on the basis of his popular vote victory. The contingency plan would then come into effect and the popular votes won by candidates A and B would be translated into popular vote victories in each of the 50 States plus the District of Columbia. Under the hypothetical given it is quite probable that the 23 states won by candidate A would provide him with enough electoral votes to become President. On the other hand if candidate A had obtained a popular vote victory while being the popular vote choice in only 5 or 6 states, the electoral vote contingency plan would make candidate B the President since he would have demonstrated a much broader base of national support.

4. Candidates A, B, C, and D run for the Presidency. Candidate A obtains 40 million votes; candidate B obtains 39.5 million votes; candidate C obtains 10.5 million votes; and candidate D obtains 10 million popular votes. Candidate A has been the popular vote victor in 22 states containing 42% of the people voting in that election and possessing 240 electoral votes. Candidate B has been the victor in 18 states containing 40% of the people voting in the election and possessing 200 electoral votes. Candidates C and D have each been the victor in 5 states (for a total of 10) containing about 18% of the people voting in that election and possessing a total of 98 electoral votes.

Under the Federal System Plan, candidate A would not have satisfied the 50% rule which, with his popular vote victory, would have automatically entitled him to the Presidency. Under the contingency electoral vote system, neither candidate A nor candidate B would have a majority in the initial count. The Federal System Plan would therefore redistribute the electoral votes won by candidates C and D.

The redistribution would be done in proportion to the popular votes won by candidates A and B in the particular state whose electoral votes were being redistributed. If candidates A and B both had a national appeal, the redistribution would probably favor the candidate who was ahead under the initial electoral vote count. Thus in the above example, it would be quite probable that under the redistribution formula, candidate A would wind up with something like 288.5 electoral votes and candidate B would wind up with something like 249.5 electoral votes. Candidate A would then be declared President. (Note should be taken, however, that this last hypothetical is extremely implausible under the Federal System Plan. The presence of a redistribution formula in the Presidential election system will work to discourage regional or ideological parties from putting up candidates like the above candidates C and D since voters will probably not waste their ballots voting for them.)

HISTORICAL EXAMPLES

The Federal System Plan would not have changed the outcome of any past American election. It would however have averted some awkward contingencies which could easily have occurred. The following cases help illustrate the stabilizing effect the Federal System Plan would have had in these situations, as well as some of the weaknesses of the direct election plan.

1888—HARRISON VERSUS CLEVELAND

Cleveland had a popular vote margin of 95,000, but Harrison was elected by an electoral vote of 233 to 168. Cleveland's popular majority came almost entirely from the "solid South."

Under a direct election system, Cleveland's

overwhelming victory among Alabama's 174,000 voters would have offset the popular preference of 2.9 million voters in New York, Ohio and Illinois.

Under the Federal System Plan, despite his popular victory, he would have failed to qualify under the 50% rule: he won only 18 out of 38 States, and won states with only about 30% of the voters. The election would have gone to the Electoral College where Harrison's broader geographical base of support would have made him President.

1916—WILSON-HUGHES

Wilson won by a popular majority of 580,000. He won in 31 states—mostly small ones—with 277 electoral votes, while Hughes' electoral vote total was 254. A change only of 1,904 votes would have given California's 13 electoral votes—and the election—to Hughes. Wilson would have lost, although his popular margin would still have been over half a million and he would still have been the preferred candidate in well over half the states.

Under the Federal System Plan, Wilson would easily have qualified with his popular plurality and with victories in over 50% of the states (although he did not win states with 50% of the voters). Wilson could have lost as many as six states, still had a popular plurality, and have been the victor under the Federal System Plan.

1948—TRUMAN-DEWEY-THURMOND

Truman won by over 2 million popular votes. The electoral count was Truman 303, Dewey 189, Thurmond 39.

A shift of 24,294 votes from Truman to Dewey in California, Illinois, and Ohio could have shifted 78 electoral votes, giving Dewey an electoral vote majority by one vote. Under the Federal System Plan, Truman would still have won with a popular plurality and victory in 28 states—over 50%.

If Dewey had won California and Illinois, but not Ohio, neither he nor Truman would have had an electoral majority, and under the present system the election would have been thrown into the House. Under the Federal System Plan, the election would not even have gone as far as the Electoral College, because Truman would still have won a popular plurality and over 50% of the states.

1960—KENNEDY-NIXON-BYRD

Under the present system, this election would have been thrown into the House if Kennedy, the popular vote winner, had lost three very close states: Illinois (margin: 8,000 votes, electoral votes: 27), South Carolina (margin: 9,600, electoral votes: 8), and Hawaii (margin: 115 votes, electoral votes: 3).

Under the Federal System Plan, Kennedy would have been elected without the risk of horsetrading and without delay because he would still (a) have been the popular vote winner, and he would still (b) have won states with a majority of the voters.

Mr. EAGLETON. Mr. President, I yield to the Senator from Kansas for his presentation on the same subject.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FEDERAL SYSTEM PLAN

Mr. DOLE. Mr. President, the 1968 election did more to stimulate concern for our system of choosing the President than any other election in recent history. A very real possibility existed that Congress would determine the two highest officeholders in the land.

There is agreement among most Americans of all political and ideological persuasions that the present electoral system should be changed. Considerable study, effort and thought have gone into a number of proposals which have been presented to Congress. I withheld support of any of the several electoral reform proposals because, in my opinion, each appeared to contain a number of significant deficiencies. To change from one set of deficiencies to another would seem an exercise in futility, as well as perilous tinkering with our constitutional processes. I am especially pleased, therefore, to cosponsor the federal system plan—which I believe has considerable merit.

In essence, the federal system plan introduces the direct-election concept to presidential politics, while assuring continued, decisive importance of broad and widespread national support for candidates.

THE FEDERAL SYSTEM PLAN COMPARED

The junior Senator from Missouri has described the federal system plan and its advantages over the direct-election plan and the present electoral college.

Briefly, I will compare the federal system plan with three other major electoral reform proposals.

THE DISTRICT PLAN

Under the district plan, popular vote results would tend to be reflected more accurately in electoral vote results than they are under the present system. The all-or-nothing system of assigning a State's electoral vote would be eliminated.

The major weakness of the district plan is its inherent tendency to encourage jerrymandering. The problems and temptations for political manipulation would surely not be diminished over present difficulties with congressional districts, and the situation could become even more involved.

Under the federal system plan, voting would take place on a statewide basis, free from the administrative complications of districting the results.

Also, the district plan could have a significant adverse effect on the establishment and maintenance of viable two-party State political systems. The stimulus for a minority party to turn out the vote would be severely diminished when it saw no chance to carry any district within a State. Under the federal system plan, however, a minority party would know its votes would not be frozen within the State but would have significance on a national scale.

THE PROPORTIONAL PLAN

The proportional plan would eliminate the unit rule for distribution of a State's electoral votes and would prevent an electoral victory for a minority popular vote-getter by tying the electoral vote directly to the popular vote.

The proportional plan would not strngthen the two-party system. Instead of discouraging the minority party, it would encourage formation of many minority parties tending to represent narrow and perhaps extreme viewpoints because minority parties would be assured electoral vote reflection of their strength. At the same time, it would discourage the major parties from attempting to broaden their appeal and assimilate diverse groups and factions. The federal system plan, on the other hand, by diminishing the potential impact of any third or multiparty development, would encourage a vigorous and broadened two-party system.

By entirely abolishing presidential electors and by permitting States to have separate ballots, the proportional plan would make a practical, as well as a theoretical, possibility of electing a President and Vice President from different parties. The federal system plan requires presidential and vice-presidential candidates to be paired, thus avoiding a split election, and it retains an electoral system as a backup procedure with a favorable influence on the two-party system.

THE AUTOMATIC ELECTORAL PLAN

The automatic electoral plan has the appeal of simplicity and close adherence to established practices, but it locks in the all-or-nothing rule which has evolved over the years, whereby each State's entire electoral vote is allocated to the winner of the popular vote. No real improvements are offered in the electoral influence of minority voters, possibilities for the election of narrow-basis Presidents or enhancement of State significance in the electoral process. The federal system plan, as the junior Senator from Missouri has pointed out, affords substantial advances in each of these important areas.

QUESTIONS ABOUT THE FEDERAL SYSTEM PLAN

I think it might be well to anticipate some of the questions which may be raised concerning the federal system plan. I have discussed this proposal with some of my colleagues and others familiar with the different electoral reform proposals. A number of questions have been raised, and I am certain others would be in the event hearings were held.

Let me state briefly a few of them:

First. If the electoral machinery is used—as it would be under certain circumstances in the federal system plan—would the unit or bloc system of casting votes be continued, and would this within a State nullify votes cast for an unsuccessful candidate?

Second. The question has been raised that this plan would make possible the election of a President who may have fewer popular votes than the unsuccessful candidate.

Third. One area of concern is that the federal system plan would bring into effect two relatively untried and untested features embodied in the backup system, and an untried and untested feature in the division of electoral votes of minority candidates, whereas the runoff election has been tested and has worked successfully in various States.

Fourth. There is a general feeling that the plan is too complicated and subject to uncertainty and might be productive of unexpected results.

I believe that these questions can be answered satisfactorily and the changes could be made in the proposal being introduced today by the junior Senator from Missouri and myself. It is important, however, to look carefully at the advantages of this proposal:

First. It adheres in principle to the direct election plan, but eliminates the runoff feature of the direct election plan.

Second. It removes the possibility—like the direct election plan—of contingent elections by either House of Congress.

Third. It does minimize the election of

the President and Vice President by the electoral vote process.

Fourth. This plan preserves as a back-up procedure the electoral vote system, which some persons feel should be continued as a matter of tradition and because it is conducive to a two-party system.

Fifth. This plan does look to ultimate assertion of influence of the vote for minor candidates within the framework of the two-party system, rather than as support for independent or splinter parties.

OPERATION OF THE FEDERAL SYSTEM PLAN

The junior Senator from Missouri has ably described our proposal, but again, let me emphasize its relative simplicity—and its operation:

First. The popular vote winner would be declared elected if—

He has carried States which contain more than one-half of persons who voted in the election; or

He has carried more than one-half of the States.

Second. If neither of the above is satisfied, the winner would be decided by electoral vote.

Third. If there is no electoral winner, the electoral votes of minor candidates would be distributed among two front-runners by giving the electoral votes carried by minor candidates to the two front-runners in each particular State in proportion to their popular vote totals.

CONCLUSION

Mr. President, interest in electoral reform is high and support for change is broad based. The federal system plan does strengthen the one-man, one-vote principle, and at the same time avoids the serious pitfalls in the direct election proposal. A summary of these pitfalls will be made a part of the record, but it should be emphasized that under the direct election plan, a presidential candidate could be elected even though he failed to receive a plurality of the popular votes in most—or conceivably in any—of the States. Those of us from small and middle-size States are naturally concerned about any system which would permit States with large populations to have a distinct advantage. We recognize that numbers are important and that the one-man, one-vote principle should be adhered to, but we also strongly feel that anyone elected to the Presidency of the United States should have broad-based support throughout the country. This important consideration is embodied within the federal system plan.

Let me add that all the electoral reform proposals submitted have certain advantages and certain disadvantages. The district and proportional plans do not assure that the popular vote winner would necessarily become President.

The issue of electoral reform is so vital that I would hope the Judiciary Subcommittee on Constitutional Amendments will consent to immediate hearings on the federal system plan proposal. In addition to introducing the federal system plan resolution today, the junior Senator from Missouri and I are contacting a number of experts in this field across the country, asking for their comments on this proposal.

Let me conclude by saying that any proposal approved by the House and the Senate must be ratified by 38 States. In my opinion, the federal system plan would be acceptable to large States because of the direct election features and to small States because it requires broad-based support by virtue of the "50-percent rule."

Again, I commend the junior Senator from Missouri for his leadership in this most important area and also acknowledge the efforts of Mr. Myron Curzan, a Washington attorney who has spent countless hours in the formulation of this proposal.

Mr. EAGLETON. I thank the Senator for his cogent summation of the issues involved and his able presentation of the federal system plan.

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

Mr. EAGLETON. I yield.

Mr. BAYH. I would like to compliment my colleagues from Missouri and Kansas for adding to the debate which has been going on for some time over the importance of revising the present electoral college system. I appreciate the comments of the Senator from Missouri in his initial remarks as to my interest in this particular area.

As chairman of the Subcommittee on Constitutional Amendments, as the Senator has pointed out, it has been the responsibility of the Senator from Indiana to delve into that particular matter. I think a great deal of heart can be taken from the interest expressed by the Senator from Missouri and the Senator from Kansas.

First, it demonstrates that two of our distinguished colleagues are concerned about the need to do something about the present system.

Second, their proposal embodies as a fundamental principle the direct popular vote. I know that time has been allotted here this morning to others of our colleagues to speak on other subjects. So it is not my intention to continue this discussion at any great length.

I personally will do all I can to study this matter. As the Senator from Missouri knows and the Senator from Kansas knows, this matter has been debated at length. We have held three different sets of hearings. The matter is now before the full Judiciary Committee, and an agreement has already been arrived at to vote no later than April 24.

Whether it will be possible to hold hearings or not, I do not know, but I personally pledge that we will study in great detail any information that either of our distinguished colleagues brings to our attention.

The only matter of significant concern to me about the direct popular vote plan embodied in Senate Joint Resolution 1, of which I am the principal author, and which has some 46 cosponsors, is what happens in the case of a runoff. History has shown us that only once in almost 200 years has a President of the United States been elected when he had less than 40 percent of the votes, the figure which would require a runoff in our system. This was in 1860, when Abraham Lincoln was elected. At that time he had 39.76 percent of the votes, so he was just below the 40 percent figure, and he was not on the ballot in 10 States. Nevertheless, I think we have to examine this possibility.

Whether the shortcomings, as described by my two distinguished colleagues, of a runoff in the direct popular election in which no candidate gets 40 percent of the votes are greater than the shortcomings of any of the other plans, I am not yet willing to concede. But I am certainly willingly to study it because I recognize it as one of the principal difficulties.

I have said from the beginning that I have not held out the direct popular vote plan as a panacea, without any problems at all, because as long as man devises a plan a few unscrupulous souls are going to try to take advantage of it, no matter what it is. What appeals to me about the Senate Joint Resolution 1 approach, which won a 339 to 70 vote in the House, is that it guarantees that the winner is going to have the most votes, and it will protect us at all stages of the process.

I want to thank both of my colleagues for their interest and for presenting these new ideas. We are willing to study them. I know they are both legislative craftsmen and recognize the need to search for the art of the possible. So in working together here in this body and trying to consult our colleagues in the other body, and the experts to which the Senator from Kansas alluded, I hope we can get the best possible plan, and that we will be able to make real progress. But we all know, from having gone through the constitutional amendment process before, that when we are looking for and need 67 colleagues to vote with us and ratification by three-fourths of the State legislatures, it is going to be impossible to get a plan that absolutely pleases everyone.

I know, from the record of our two distinguished colleagues, that they are going to do their very best to help us try to perfect the system and try to reconcile the system as best we can.

I salute them for adding to the debate on this matter.

Mr. EAGLETON. Mr. President, I thank the Senator from Indiana for his kind remarks, and wish to say at this time that were it not for the efforts of the Senator from Indiana, we would not have the opportunity of considering this problem at all. It has been through his diligence and unswerving efforts over the past 5 years or more that at long last it appears that we will have a chance to have this issue before us. He is to be commended most highly for his efforts in this regard. I take his comments most seriously because he is truly an expert on this subject matter.

One brief comment on the Senator's remarks. He points out that in only one election, the first Lincoln election, did the winner receive less than 40 percent of the votes. Historically, that is true. But the winner has come precariously close to that 40-percent mark in other elections. It was true in the first Wilson election of 1912. The 1968 election of President Nixon was rather close to the 40-percent margin.

What concerns me very much about

the direct election plan is that it will further encourage the proliferation of third, fourth, fifth, sixth, and seventh parties. Past history on elections which came close to 40 percent may, therefore, not be a perfect guide insofar as the future conduct of national elections is concerned. If my worries are realized, and if we do see an endless number of political parties involved in elections under the direct system plan in 1976 or 1980, or 1984, it may well be that it would be uncommon in the future for any of the national candidates to achieve as much as 40 percent of the vote.

This may be a needless worry. In any event, it is what has caused me, among other things, serious concern about the direct election plan, of which I am one of the cosponsors, as I pointed out in my earlier remarks.

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

Mr. EAGLETON. I yield.

Mr. DOLE. Let me endorse the statement just made by the junior Senator from Missouri as to the great effort made by the Senator from Indiana. We all recognize the temper of the people and the need for some change; and hopefully the proposal offered this morning will shed some light—perhaps not—after it is carefully explored. I share the hope of the Senator from Indiana that it can be reviewed carefully, perhaps, with the Senator from Indiana, other committee and staff members.

We recognize that the time frame is narrow. We recognize the importance of moving as rapidly as possible with electoral reform. Hopefully, we can discuss the matter with the Senator from Indiana to determine if there may be a possibility of having brief hearings. But it is my hope and the hope of the junior Senator from Missouri to at least come forth with some principle embodying the efforts of the Senator from Indiana, that will alleviate some of the fears those in small and middle-sized States have, because the federal system plan, as we see it, without, of course, exploring all the possible pitfalls, does provide in principle for direct elections, and does also insure that the candidate elected would have broad-based support.

As far as I am concerned, this is its main strength. If it falls in some other area, we should know that, and will know it if we have hearings.

Mr. BAYH. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. BAYH. I appreciate the comments of my friend from Kansas. The reason I think it is imperative that we look into this plan is that it is very easy to examine ideas that look good on the surface, and find out that they really do not work quite as well in practice. I say this without being at all critical of the plan submitted here today by our two distinguished colleagues, because I have not had a chance to study its implications fully. All I know is that in my 4- or 5-year study of this problem, I started out convinced that the direct popular vote would not work, and my main concern was the destruction by proliferation of parties of the two-party system.

By incorporating the 40-percent runoff provision, I felt we had sufficiently dealt with some of the nuisance splinter parties who get in just to achieve a bargaining position, and yet left the door open for a bona fide, valid third party. We have to recognize, for example, that the party of which our distinguished colleague from Kansas is a member started out as a minority party. Now they have the Presidency.

I do not think we want to say that from today on, for the next thousand years, we are going to preclude any splinter party from being able openly to capture the imagination of the American people.

But even when I became convinced that direct election was the best solution, as I just pointed out to my friend from Missouri——

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

Mr. EAGLETON. Mr. President, I ask unanimous consent that I be allowed an additional 5 minutes, to continue and complete this exchange.

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

Mr. BAYH. I shall hurry on. I just wanted to point out, as a sign of good faith, in talking to our distinguished friend from North Carolina, I thought perhaps he might be prevailed upon to join in the popular vote effort if we had the runoff provision with a joint session of the House and the Senate. I felt that perhaps we could thus maintain the system that our distinguished colleague from North Carolina is sincerely concerned about. But finally I came to the conclusion that the three criteria I mentioned before; namely, that the winner have the most votes, that everybody's vote count the same, and that everybody vote directly, were of overwhelming importance. That is why I came out in favor of Senate Joint Resolution 1.

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

Mr. EAGLETON. I yield.

Mr. ALLEN. I congratulate the Senator from Missouri (Mr. EAGLETON) and the Senator from Kansas (Mr. DOLE) for the work and the thinking that has gone into this plan that they are suggesting. I must say, however, that I am not yet persuaded that any plan for modifying or abolishing the electoral college is in the public interest; and I have yet to be convinced of that.

The comment of the Senator from Missouri that his plan might well stop the proliferation of parties was interesting. But I wonder if that is correct. I see in the plan of the Senator from Missouri and the Senator from Kansas the possibility of more proliferation of parties, possibly, than under any other plan; and it would seem to me that if one candidate should literally sweep from 15 to 20 States of the Union, he would comply with the provisions of this proposal; namely, that he receive a plurality of the votes in the entire country and a plurality in States having 50 percent of the vote in the election, without getting votes in other States.

So it would seem to me that there is serious danger of a real minority President being chosen—not one who failed to receive a plurality of the vote, but one who failed to get a majority of the overall vote—and having a plurality far below the 40 percent provided in the direct plan.

I would suggest, however, that the Senators who proposed this plan stick by the plan, and if it is not agreed upon by the Senate and the House of Representatives, that they cast their votes against any modification of the electoral college. I believe that would be in the public interest.

I thank the Senator for yielding.

Mr. EAGLETON. I thank my distinguished friend and colleague from Alabama. I think his remarks underscore all the more the necessity that this plan, as well as the other plans that have previously been submitted by other Senators, be given thorough and detailed examination by the Committee on the Judiciary.

As was pointed out by the Senator from Kansas (Mr. DOLE) and in my remarks, we do not know at this time whether this is utopian, whether this is the answer, whether this is the panacea. We think it has much to commend it, and we want the experts who compromise the Committee on the Judiciary—and I note in the Chamber, among the members of that committee, the Senator from North Carolina (Mr. ERVIN)—to consider this plan among others.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for a period not to exceed 1 hour.

THE NEED FOR A STRONGER FEDERAL ORGANIZATION FOR OCEANIC AFFAIRS

Mr. HOLLINGS. Mr. President, in 1957 the Soviets launched sputnik and made the 1960's the decade of space. Today, without a sea sputnik, the Soviets are making the 1970's the decade of the oceans. Once again, we stubbornly refuse to recognize the threat or grasp the opportunity. The Russians realize their mistake in springing sputnik as such a dramatic surprise. It provided the crisis that thrust the United States into space. They are not making that mistake in the sea. They have a quiet, well-organized, well-conceived, and well-financed program for developing their capabilities to exploit the resources of the sea.

As we become more and more landlocked, the Soviet has learned well the admonition of Admiral Mahan that he who rules the sea could rule the world. The expansion of the Soviet fleet to the Mediterranean and around the globe would lead one to think of the Mahan rule solely in a military sense. However, the Mahan rule today applies more meaningfully in an economic and political sense.

While the U.S. catch of fish has remained stable for a generation, Russia has in the decade of the 1960's shot from a catch equal to ours to one that is more than three times ours. Indeed, they now catch more fish off our coasts with their world-ranging fleets than our own fishermen do.

While the U.S. merchant fleets shriveled in size to what our Maritime Administrator called, on Monday of this week, 135 usable vessels, the Soviets have built a new, modern fleet, superior in size and tonnage to the United States, specifically designed to affect the economy of the nations of the world.

While we lay up ocean research vessels and refuse to build the ones appropriated for by Congress; while we refuse funding of ocean research laboratories, the Soviet has quietly expanded their ocean research fleet and established new ocean research laboratories and programs.

They say the quickest way to crush your laurels is to rest on them. Our success in space has so preoccupied us that we conceive of our defense primarily in terms of the ABM and Polaris. Thirty years ago, the Japanese that surprised us at Pearl Harbor also conceived an assault to our mainland by submarine. We seem to forget that as a nation with most of its major cities on the coast—by the year 2000, 70 percent of the people of the United States will live in coastal cities—we are vulnerable to attack close in from the sea, not by intercontinental ballistic missiles, but by remote-controlled, unmanned submersibles or short-range rockets that need travel only a few miles.

While the threat is real, the opportunity in the oceans is abounding. Today we extract sulfur in the Gulf of Mexico and salt and bromine on the west coast. Within 10 years, one-third of the world's oil will come from offshore sources and a substantial supply of natural gas. Hard minerals such as manganese nodules will be mined economically. Not only will there be a tremendous increase in aquaculture, but desalination will bring fresh water to parched land. And, of course, the city of Key West, Fla., depends for its water supply on the desalination process. New drugs are being discovered every day and the solution to the crying need for food and protein to care for the world's hungry lies awaiting in the sea.

However, as man multiplies his uses of the sea, the Stratton Commission reports that "recent analytical refinements have established beyond doubt that manmade pollution already has affected the entire ocean." So we have at one and the same time the challenge of use and the challenge of conservation.

Shall we allow our seas to become polluted as we have our Great Lakes? Shall we spend a fortune to explore the Sea of Tranquillity and, at the same time, deny the pennies necessary to discover and preserve the seven seas here on earth? Shall we in government provide a government for the sea?

The sea covers over 70 percent of the globe's surface, and, coupled with the sun and the atmosphere is a major heat engine, storing and distributing energy over the face of the earth, and moderating the world climate to make it habitable. It is a major environmental consideration. Of the 60 Federal agencies with environmental programs, 22 relate to the oceans and atmosphere. These 22 agencies are loosely coordinated through the National Council on Marine Resources and Engineering Development, but that Council has no operating responsibilities. There does not exist in the Federal Government a single operating agency that has the responsibility to plan, direct, and execute a national oceanic program. Rather, there is a great dispersion and dissipation of energy, duplication of effort, and attendant inefficiencies resulting from our oceanic programs, even though the Government is spending about $900 million per year on ocean programs.

Nor, is there a civilian agency for oceanic research and technology in Government. For years, the Office of Naval Research has been doing an outstanding job within limited means. However, its activities have been more and more attenuated with the Mansfield amendment requiring that all defense research must have a direct or apparent relationship to the mission or function of the Department of Defense. Accordingly, the Navy has cut back on its research budget, and a civilian agency must fill the gap.

By contrast, Oceanology International, in its February 1970 issue, estimates that private industry and private interests are spending about $25 billion per year on programs ranging from scientific and technological research to exploitation of mineral and living resources of the sea. It is basic that all of these activities in the sea require a strong base of marine science and marine technology. Materials technology, power sources, electrical systems, and free-flooding external equipment for vehicles and habitats are examples of technology that must be developed for efficient work in the sea. Biological, physical, geological and other scientific information is needed so that we can understand what is in the sea and so that we can develop means to use the sea wisely.

The scientific and technological information has to be readily available at data centers in order to be usable. Men and women have to be trained to take on immensely exciting ocean careers, and jobs must be created for them once they are trained. We must learn how to use and manage our coastal zone better in the face of a growing population, 70 percent of which, as I pointed out, will live on our coasts by the year 2000. We need coastal laboratories and marine preserves to aid our understanding of the undisturbed processes characteristic of the many ecological zones surrounding our country, and to understand the changes man's activities bring about in the marine environment. We must exploit the untold resources of the oceans; we must not destroy the marine environment in our exploitation. We must strive for greater international understanding in the uses of the sea, and develop the law of the sea for the benefit of all mankind commensurate with our greater ability to work in the sea.

It is to make sense of these diverse problems and to bring them together as a coherent whole, without having to go to 22 different agencies and hundreds of differing opinions that I know that a stronger Federal organization for oceanic affairs must be created.

Since the 1950's, our Presidents have all failed to come to grips with the challenges of the oceans. Significantly, however, Congress has recognized these challenges for the past decade and has given leadership to develop and preserve our marine environment. In 1959, the distinguished Senator from Washington (Mr. MAGNUSON) introduced a bill known as the Marine Sciences and Research Act of 1960. While this passed the Senate unanimously, it was never acted on by the House. Nevertheless, this and the National Academy of Sciences report, "Oceanography, 1960–70," stimulated much activity.

The Federal Council for Science and Technology established an Interagency Committee on Oceanography in January 1960. While considered a step forward this committee consisted of second and third layer management from various Government agencies with ocean programs. None of the members was the policy head of the department in which he worked. And duplication and lack of coordination remained the order of the day.

Finally, in 1965, Senator MAGNUSON introduced another bill instituting the Commission on Marine Science Engineering and Resources and the National Council on Marine Resources and Engineering Development. The charge of the Council was to coordinate the Federal oceans program scattered among 22 agencies and departments, staffed by over 75,000 personnel and spending currently in excess of $900 million. The charge of the Commission was to promulgate a plan for national action in the oceans and atmosphere. Both the Council and Commission were self-liquidating. The Commission, after 18 months of study, was intentionally extended for 6 months so that its report would not be considered "lameduck" to the Johnson administration, but time to give the next President a fresh start. It reported on January 9, 1969.

It must be emphasized that the complement of the Commission was of the highest level and its mandate the broadest in Government. It organized under the chairmanship of Dr. Julius A. Stratton, former president of MIT and chairman of the board of the Ford Foundation. With a staff of over 35 people, costing the Government some $785,000, it heard and consulted over 1,000 people, visited every coastal area of this country including the Great Lakes, and submitted some 126 recommendations. The Commission and its advisers were bipartisan. Its congressional advisers were Senators WARREN G. MAGNUSON and NORRIS COTTON and U.S. Representatives ALTON LENNON and CHARLES A. MOSHER.

The House of Representatives acted promptly. It commenced hearings in January and by the end of October 1969 it received the testimony and statements of 175 people. It considered the principal recommendations to institute a National Oceanic and Atmospheric Agency and, in January, unanimously reported that NOAA bill to the full committee. I understand that the House Committee on Merchant Marine and Fisheries will meet momentarily and report favorably the NOAA bill to the House.

In November 1969, the Special Subcommittee for Oceanography was instituted in our Committee on Commerce

and, on December 17, the Senate commenced its hearings on the NOAA proposal. It is the hearings and other reports that I have received as chairman of the Subcommittee on Oceanography that causes me to take the floor today. I do so for the good of our Government and with a genuine desire to institute, at once, a well conceived oceanic and atmospheric program.

My approach to problems in Government for 20 years will show that I have tried to make headway rather than headlines. We did not broadly publicize the institution of our Oceanography Subcommittee, nor have we sought particular news coverage because we realized that the House hearings on oceanography had been fully covered last year. We believed at the time that the administration was genuine in its desire to formulate an oceans program. Since we still have a few more witnesses, I do not speak for the subcommittee or the Committee on Commerce; nor can I give any indication what action is likely by these groups on the NOAA bill. But, I am shocked and dismayed at the White House conspiracy to scuttle a chance for an oceans program for the U.S. Government. This conspiracy has not been casual nor unintentional. It is insidious and the President is involved.

On February 10, 1970, the President of the United States delivered his special environmental quality message to the Congress of the United States. In it he stated:

> Last year I asked the President's Advisory Council on Executive Organization, headed by Mr. Roy Ash, to make an especially thorough study of the organization of federal environmental, natural resource and oceanographic programs, and to report its recommendations to me by April 15. After receiving their report, I shall recommend needed reforms which will involve major reassignments of responsibilities among Departments.

At the time the President made that statement he knew or should have known that the Ash Council was not engaged in any study of oceanography. The Ash Council was not pointing to an April 15 report.

On the contrary, with only superficial study the Council had decided to block the NOAA proposal with a counter proposal of placing a part of the oceans program under an Assistant Secretary of the Interior. At the time the President was delivering his report, agents of the White House and Ash Council were contacting Members of Congress to scuttle NOAA with the Ash Council position. Mind you, instead of studying, the Council had long since decided. Here is what they decided.

The Department of the Interior will be reshuffled, bringing in the Environmental Science Services Administration from Commerce, the national sea-grant program from the National Science Foundation, the U.S. lake survey from the Engineers, the National Oceanographic Data Center, the National Oceanographic Instrumentation Center from the Department of Defense, and joining them with the Bureau of Commercial Fisheries and the marine programs from the Bureau of Sport Fisheries and Wildlife. Thereupon, the Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources, will be retitled the "Assistant Secretary of Oceanography and Meteorology."

The Ash Council tried to ram a budgetary solution down the throats of the Wakelin task force, but the Wakelin task force refused. Thereupon the subterfuge was adopted whereby the President, on February 10, would tell the Congress that the Ash Council was studying oceanography and, in turn, White House agents would be dispersed to Capitol Hill to kill the congressional oceans program. Accordingly, in his environmental message, the President made no mention of his Task Force on Oceanography, nor did he submit his oceanography program in February, as scheduled.

Each of the administration's witnesses joined in the conspiracy. The Secretary of Commerce refused outright to appear. The Assistant Secretary appeared, requesting that the Congress delay any action on oceanography so that Mr. Ash and his Council could study, which, of course, it was not doing. The Secretary of Transportation appeared. He had not bothered to read the report and also asked delay for Mr. Ash to study. The Secretary of Interior appeared, asking for delay for Mr. Ash to study. The Secretary of the Navy stated that he had not read the "Our Nation and the Sea" but requested delay so that Mr. Ash could study oceanography. The President's science adviser appeared. He posed every problem, talked of every concern, but did not show enough concern to have read what he was testifying on. He, too, asked for delay for Mr. Ash to study. When it was pointed out that perhaps Mr. Ash and his Council were not studying, but had already decided and were about Capitol Hill trying to kill the Stratton Commission recommendation for a NOAA, he said such conduct would be surprising. Perhaps Mr. Ash, President Nixon, and the whole White House crowd could study a lesson in common courtesy, decency and candor with the Congress of the United States.

Let me now review briefly the NOAA proposal and the conduct of the Nixon administration in marine affairs, so that you can understand the disservice being done our people.

To begin with, the NOAA proposal is not infallible. There are many ways to organize in government. Sometimes it is found that the job can best be done within an established department. Sometimes a separate agency is tried. And, for practical reasons, many times functions that could be coordinated are left untouched. It is generally conceded that our Government is headed to a Department of Natural Resources and Environment. But, since this is too encompassing at the moment, causing too many committee conflicts within the Congress, the Stratton Commission stated that it intentionally did not recommend this at this time.

The Stratton Commission accordingly recommended the formation of an Independent Agency reporting directly to the President. The agency included the Coast Guard, Environmental Science Services Administration, Bureau of Commercial Fisheries, Marine Programs of the Bureau of Sport Fisheries and Wildlife, the national sea grant program, the U.S. Lake Survey and the National Oceanographic Data Center. The commission felt that in getting a major and diverse effort underway that the independent agency route was by far the best. It would bring freshness of outlook and provide freedom of action and its public visibility would draw public interest and support.

NOAA is considered temporary. It is not recommended as a crash program. It is a bringing together from 22 governmental agencies and departments the organizational elements concerned primarily with the scientific, technical, and service functions necessary for the planned use of the sea and for the monitoring and modifying of the air and sea environments. It does not call for any substantial increase in expenditures. The Stratton Commission did not disturb the Navy's program, nor did it attempt to disturb the Maritime Administration. Our committee has just started hearings on President Nixon's maritime program and the President must be credited with finally coming to grips with our merchant marine which has remained stagnant for years.

However, since the very inception of the Stratton Commission, the Bureau of the Budget has declared war on the Commission and the launching by our Government of an ocean's program. No sooner had the Ash Council been appointed, than members of the Council were heard to parrot budget concerns rather than ocean concern. Before long, rather than studying oceans, Council members and staff members of the Ash Council started scuttling the NOAA proposal with the Assistant Secretary of Interior approach. Were it not for the crowd recommending it, the Ash Council approach could be considered seriously. But, knowing this position was formulated without study and in an arbitrary fashion without enthusiasm for an oceanic and atmospheric program, the marine sciences community has reacted with dismay. Those connected with the oceanic and atmospheric programs in education and in industry all feel that another 10 years will be lost if the Ash Council succeeds in its insidious design.

The Ash Council was appointed by President Nixon as an advisory council on executive organization. It was instructed to review the organization of Federal Government and give early review to oceanic programs. However, that appointment occurred at a time of budgetary fear rather than Government venture, and the Stratton Commission report was given short shrift. The Ash Council immediately jumped to the conclusion that NOAA, like NASA, would grow financially like topsy. The Council determined to block any development of this kind in Government, but it realized that, as a council, it lacked oceanic credibility. Indeed, every witness from the field of marine science who testified at our oceanography hearings stated they knew of no one at the policy level in the White House or advising the Council who was expert in marine affairs.

Trying to fill this credibility gap, President Nixon, in October of last year, ap-

pointed a Task Force on Oceanography. This task force was chaired by Dr. James Wakelin. But, the Wakelin task force had hardly met before they realized that their role was only a ploy for the Ash Council. Administration people both from the Ash Council and the Office of Science and Technology appeared, stating that budget conditions would not allow the institution of an oceanic and atmospheric agency. In addition, White House staff members of the Ash Council instructed the Wakelin task force that their recommendations should bear the budgetary squeeze heavily in mind. The Wakelin task force—this is the task force of the President of the United States on oceanography—held three meetings and, disillusioned, disbanded, after recommending a mini-NOAA, consisting of the national sea-grant program, the National Oceanographic Data Center and the National Oceanographic Instrumentation Center. It is interesting that the President's own task force, while under pressure, still rejected the Assistant Secretary of Interior approach and called for an independent agency. And, rather than opportunity, oceanography is still looked upon at the White House as a bothersome stepchild. President Nixon treats oceanography with slightly more dignity than the board of tea tasters.

The National Council on Marine Resources, headed by the Vice President, has held only two meetings during this administration. They have not met since May of last year. Is the Vice President so busy chasing rainbows to Mars and attacking effete snobs that he does not have time to call a meeting of his Council on Marine Resources? Dr. Edward Wenk, former Executive Secretary of the Council, and probably one of the most respected men ever in oceanic affairs, has just left Washington discouraged and pessimistic. Dr. Wenk observed from the administration standpoint the work and recommendations of the Stratton Commission. Dr. Wenk testified that the membership of the Stratton Commission was of the highest order and their work was the most deliberative and the most comprehensive and the most thorough of any he had seen in this field. Realizing that the Stratton Commission could not have been given a broader charge, Dr. Wenk gave the NOAA proposal his 100-percent endorsement.

Let us consider the Interior Department and its Secretary, Mr. Hickel. It must be remembered that I supported Mr. Hickel's appointment as Secretary. It is not Mr. Hickel's fault that the oceans are exterior and his Department is Interior. The Interior Department is land oriented, not ocean or atmospherically oriented. To plan the future development of the oceans under the Interior Department's control does not signal a dramatic emphasis on the oceans. But more than that, Mr. President, the Interior Department is already diverse and fragmented and the proposal to make them the lead agency at this time for the oceans compounds the problem.

Already Secretary Hickel's attempt at demonstrating intent and desire has caused him to founder in his own rhetoric. He is the Secretary who saw and testified for " a crying need for a new organizational thrust" in the oceans, but he waited a year to form an "action group" which has been instructed to stand by until April 15. He is the Secretary who soon after assuming his office "recognized a need within the Department to forge ahead with imaginative new marine programs." Accordingly, he added the words "marine affairs" to his Assistant Fish Secretary and hired three female secretaries.

In recognizing the need for imaginative new marine programs the Secretary has had neither the personal or official interest to read "Our Nation and the Sea" which contains the most comprehensive and imaginative set of marine programs ever set before the people of the United States. He is the Secretary who opposed NOAA because you could not get competent personnel in an independent agency, yet he was not competent enough to get his Fisheries budget through the Bureau of the Budget without a 14-percent cut this year. He is the Secretary who was going to give us imaginative leadership asking that the entire NOAA be placed in his Department of Interior. Under this leadership, the Department's Marine Science budget was cut $2.5 million. The Bureau of Commercial Fisheries in his Department has been politicized to the point that one of our witnesses stated that the Bureau's morale is at an all time low. Small wonder, when the Bureau has to cut back on ship operations and laboratories, the principal areas where it is making the most effective contribution to American fisheries.

The Interior Department is the Department that granted the variances that contributed to the Santa Barbara oil spill. In spite of its failure to bring this debacle under control, this is the Department that continues to license oil drilling in the same area. This is the Department overseeing the national oil pollution contingency plan that has responsibility over an oil rig that has been afire in the Gulf of Mexico for over 2 weeks now and, which, when and if they stop the fire, it is threatened that there will be dumped as much as 400,000 gallons of oil into the middle of the shrimp and oyster beds and cover the waters during the spawning season.

Mr. President, the basic approach of the administration to date in this area has been the budgetary response on a short-term basis, not the long-term oceanic interest of the United States. Indeed, the Ash Council, in its initial report of January 5, 1970, stated one of the positive aspects of making the Department of Interior the lead marine agency is that it "gives oceanographic and meteorological interests a home, insuring viability, and provides a check on the inevitable demands for growth." The administration submarined the Wakelin task force on the basis of budget considerations and will do so with the whole ocean program when they place it in Interior.

They can recommend $500 million for an additional ABM site before the first two are checked out, but when it comes to real opportunity for our people, they scrimp on an ocean program that has an enormous economic multiplying effect if the Government would organize effectively to enhance it. Mr. President, how the United States organizes its oceanographic activities will have a global impact within other countries and within international agencies. Our hearings showed that other nations are watching closely how we organize our marine effort. If we, the leading nation in the oceans, do not organize effectively, how shall we provide ourselves with the voice in the great changes we anticipate in the next few years in the law of the sea. Dr. Wilbert M. Chapman stated in our hearings:

> Dealings with those other sovereigns and the United Nations Agencies on a technical and scientific basis over these resources and ocean use cannot be left to the Department of State which does not and never will have the necessary technical and scientific competence to handle the job. There must be a lead civilian agency to provide the muscle to the Department of State and it can not do it without mixing in fully at the technical and scientific level in these foreign and international aspects of its responsibilities.

I know I sound frustrated, but as Taylor A. Pryor told the Subcommittee on Oceanography last week, we need not be frustrated any more.

> We can all relax or at least just continue spinning our wheels, for soon the Japanese will have accomplished everything we ever dreamed of in the oceans.

Indeed, Mr. Pryor said that, while we have ignored the Stratton Commission study for the past year, the Japanese consider this the most comprehensive and authoritative directive on the potential of the seas. What we rebuff, they copy. And, oh, what a frustration it is. For the last 10 years, we have had studies by the National Academy of Sciences, by industrial groups, by the President's Science Advisory Committee and, most importantly, by the Marine Science Commission which we, the Congress, set up. We have had indepth studies, critical analyses, ad hoc task forces, uncountable conferences, extensive congressional hearings and advisory councils. Never in history has such an important subject been so well studied. But, who takes action—the Japanese.

Mr. President, the oceans are too important for the United States to afford anything but the highest level of attention. We cannot throw away the 10 years of farsighted work by Senator MAGNUSON, Senator COTTON, Congressmen LENNON, MOSHER, and other leaders of the Congress, nor can we throw away the Congress repeated efforts to strengthen our oceanic activities. We must resolve that the United States will reap the riches and benefits of the oceans and find in the oceans their potential to add to our well-being and the well-being of mankind.

Mr. President, the Nixon administration has not fulfilled the promise made to the people of the United States. We are barraged with the same old flimflam—a grand old parody that belies the interest of the President and his administration in the oceans. The President is giving ocean programs of the United States semicustodial care. He is failing to lead, not only in a national oceanic program, but also internationally. And

he is taking every step to thwart leadership where it appears.

Now that we have the attention of the Japanese, I hope we can get the attention of our own President. I hope he will call off the dogs. I hope he will tell his minions to stay back in the White House and study "Our Nation and the Sea." I hope that the President would ask Dr. Stratton or any of the Commission members to brief him on the Stratton Commission work. If he would just give the oceans the same amount of time he gave to the design of the White House Police costumes, then we could finally put the United States to sea again.

Mr. MILLER. Mr. President, would my frustrated colleague from South Carolina yield for a comment?

Mr. HOLLINGS. I would be delighted to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, it seems to me that the thrust of the highly critical remarks that have been leveled at the Nixon administration in general and the Department of the Interior, in particular, is that there just is not enough money to be budgeted for some of the activities to which the Senator referred.

Mr. HOLLINGS. Of course, the Senator is asking that question, but that is not so. The Stratton Commission realized the budgetary restriction and they only asked for coordinated aid for the bringing together of some 22 agencies into a sole, independent agency, reporting to the President, with no increase in budget. It said it was likely the budget could be increased—doubled—over a 10-year period, but it was not requesting a capital outlay of funds. This has been checked out not only by the Stratton Commission in its study but by the Government Operations Committee and the Accounting Office of Congress.

I asked them to verify these figures to find out if we are getting into an outlandish expenditure. This is what the President employed as a tool of opposition.

We are trying to get the attention of the President and his aides on oceanography affairs on matters which can be worked out without additional sums of money.

Mr. MILLER. If that was all the Senator said in his statement, I would not be asking the question. I distinctly heard the Senator criticizing a cut of some 12 percent in the budget for the Bureau of Fisheries and other comments which indicated he was criticizing the Secretary of Interior for not having enough influence with the Bureau of the Budget. To me, that was not responsive to my original question. That is why I asked my original question.

Mr. HOLLINGS. The Secretary of the Interior is the one who used the "imaginative leadership" phrase and "competent personnel." As he indicated, in order to give this problem new leadership, new thrust and new direction there would have to be top-level management to get the attention of Congress to appropriate; and he was the one using budgetary messages in his appearance before the Subcommittee on Oceanography, when at the same time it was petering out under him, and beneath his responsibility, at the same time he was testifying.

Mr. MILLER. May I say I do not think the Senator is being fair to the Secretary of Interior or the Nixon administration when he makes that comment because he knows as well as anyone in the Senate you cannot do something without the money and he also knows very well that the Nixon administration urged Congress last December to pass a tax reform bill without excessive tax relief so we would have money left over to do these things. Unfortunately, Congress, which is in control of his party, pulled that revenue away and gave the No. 1 priority to excessive tax relief, and the money is not there. So I do not think he is in a position to complain, although I do not recall his voting record on some of the amendments. Perhaps his voting record is on the true fiscal side; but his hands are tied by the action of Congress. To come around now and criticize because the money is not being asked for when the money is not there is not being fair to him. I want to put this in perspective.

Mr. HOLLINGS. I will put it immediately in perspective. The President of the United States, in a message to Congress, said we are studying this, when he was not. The truth of the matter is that there was already the assumed position as of last year. He tried to give it credibility by his own task force on oceanography, which would not accept it and afterward repudiated it.

The Wakelin task force repudiated the Secretary of Interior's approach and adopted a mini-NOAA approach. Then, the word came around Capitol Hill that the oceanographic message of the President would be given in February and at the last minute it was called off. And at the very time it was called off the President was saying, "Wait until the Wakelin study is completed on April 15, and then I will make my own recommendations."

He had agents on Capitol Hill talking to Senators, telling them to kill the congressional approach on this particular, already decided upon position.

I am asking for candor, first, from the President of the United States; second, I am asking for an oceanographic program that does not call for money.

The Stratton task force did not call for money. The Wakelin task force did not call for money. The President's advisory commission on the seas 5 years ago did not call for money; neither did every other study that came about. The one that did want more money is the National Science Foundation. They said they would like to double it from the present budget of about $800 million to about $1.6 billion—just double it completely. It was the administration witness who asked for more money.

I have had to tell the facts. In telling the facts, I may say that the Bureau of the Budget has apprehensions about a "wet NASA" in the presence or presentation of NOAA growing like Topsy. This is their concern: But in this study of over three volumes, plus the summary report, they will see that the very same people who drew it up said time and again, "We are not trying to launch an NOAA that will grow like Topsy, and take money from everything else that is needed."

This Government has a golden opportunity. Everyone else has taken advantage of it. The Soviets and the Japanese have. When it comes to money, whether it is $500 million for ABM or whether it is $10 billion for pollution or water, or whether it is any other program the President wants, they do not give us the tax reform approach. We are talking about the evaluation of the problem by the President. His approach is a council which is sequestered over there, a small, little group, that does not have any interest or idea of launching this Government into a national oceanographic program. They are scuttling this program, they are scuttling Congress; and they are setting the program back another 10 years.

Mr. MILLER. I am sorry that the Senator does not want me to give the facts on the tax reform matter, but the fact is that it is there. It may be embarrassing to give it, but it is there, whether I give it to him or not. I wanted to call it to the attention of the Senator in connection with his critical comments about the Bureau of the Budget.

With respect to some of his other comments, I share his concern about the fisheries of this country. I may say I shared that concern back in 1961, before the Senator came here, when the Japanese incursions against our fisheries started to grow, and they have grown a great deal in the last several years.

This is not something that has happened just since the Nixon administration came on the scene. I think the Senator ought to paint the full picture. If he wants to be critical about some commission's reports, that is all right, but I think we ought to put them in perspective. I have been joining with some of the people interested in fisheries in support of some of their programs, and I will continue to do so; but a time comes when one does not have the money to do some of the things he would like to do, and that money was taken away by the No. 1 priority by those in control of Congress last December. It is not there.

The Senator may criticize spending $500 million for the ABM. I do not know whether the Senator supported the ABM last year or not, but the fact is that a majority of the Members of Congress did. I do not know how we are going to come out this year. I am sure the Senator is not advocating deficit spending. It has been my general observation that he does not vote that way. But if he is advocating that, I think he ought to indicate that he advocates deficit spending and how it should be done. I agree with some of the things he has said, but I think he weakens his case by what I call unfair criticism of the Nixon administration and the Secretary of the Interior.

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

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. I want to commend the distinguished Senator from South Carolina for making a very constructive speech on a most important subject. I do not happen to come from a State which borders on the ocean, but I am aware of the fact that the oceans of the world, as the Senator has indicated, cover about 70

percent of the globe's surface. I am aware of the fact that they are looked upon, for example, as a potential storehouse for food to feed the rapidly expanding population of the world; a population expanding so rapidly that, without appropriate measures, it is bound to increase difficulties tremendously for all of us in the years ahead.

So I have read with great interest the Senator's speech. And I notice that he refers to the fortune we have spent to explore the Sea of Tranquility. I think the figure is somewhere between $25 billion and $28 billion to date. For what? A few vials of moon dust and maybe 60 pounds of rocks? Nothing of any value has yet come out of that program, at least nothing tangible. I do honor the men who took the chances and made the explorations. But I deplore that it was done at the cost of that much money, considering that there is so much suffering among our people, so much need to attend to, so many problems to face up, and so many other areas which might be explored, including the oceans, with a much greater chance for achieving something in the way of substantial return.

As the Senator has indicated, at least indirectly, once a certain mile limitation is exceeded beyond a national boundary, the oceans belong to the world. The Japanese are doing great work in the field of oceanography. So is the Soviet Union. But this country—as has been the case so often with respect to maritime matters—is lagging behind.

The seas are important from the viewpoint of defense. The Senator has indicated what happened in 1941 at Pearl Harbor and what could be done outside the 12-mile limit. I am not one of the advocates of the ABM. The Senator from South Carolina is. He voted for the ABM, as I recall, last year. I am not an advocate of it, because I am not certain of its need or, for that matter, of its feasibility. If the need is established, I will be for it, provided—I repeat, provided—that the radar screen for instance, is not vulnerable. It is my understanding now that the radar not only may not be capable of performing accurately under attack but if it is hit, the whole system fails. Based on a demonstrated need I would favor it provided that the computer system is accurate and reliable also. It is my understanding now, based on scientific authority, that it is far from complete, far from accurate, far from reliable. So if there is a need, and if we should build a system, then I think we ought to have an accurate and reliable system rather than to risk deploying a system which, when confronted with a nuclear showdown, is not capable of performing its function.

I have felt that the real deterrent is in the seas, with the Poseidon submarine carrying 60 missiles per sub; with their locations changeable; with their mobility providing difficult targets. Their strategic value in my judgment, is quite different from hard ICBM installations. But that is just a matter of opinion.

The distinguished Senator from Iowa has said that the money is not forthcoming, and he had some unkind things to say about the tax relief-tax reform bill of last year. Naturally, he gives the Democratic majority in Congress credit for passing that bill; and may I say that I am very happy to accept that credit, because with it I think we passed one of the milestones in the history of tax legislation last year. And what this Demorcratic majority in Congress achieved at that time, and what most Republicans joined up in achieving, will, I think, stand as a monument to our activities in that respect and will be appreciated by the people.

Getting back to deficit spending, the distinguished Senator from South Carolina mentions:

There are 60 Federal agencies with environmental programs—

And I am quoting—

22 of these relate to the oceans and atmosphere. These 22 agencies are loosely coordinated through the National Council on Marine Resources and Engineering Development, but that council has no operating responsibilities.

Well, I noticed that the President, a week or so ago, abolished the tea-tasters council, and I think it was a good move. I had not known that there was a tea-tasters council, or that we had official teatasters. I did not know that we were appropriating something on the order of $125,000 or $150,000 a year to provide for these individuals. Incidentally, I note that the appropriate tea council, made up of legitimate producers, is up in arms because the teatasting on the part of Government officials has been abolished.

My point is that perhaps, in the interest of efficiency, these 22 agencies could be consolidated into one. A good deal of money could be saved, personnel could be reduced, much redtape could be eliminated, and in that way a more effective and efficient organization could be created for oceanography studies and oceanography research and development.

I am delighted that the Senator has called this most important and most misunderstood subject to the attention of the Senate, the American people, and the administration today. I think he has performed an outstanding service. There is no reason why, on a bipartisan basis, we cannot work to advance the cause of oceanography and all that it entails. There is no reason why, under the leadership of such men as the Senator from Washington (Mr. MAGNUSON), the chairman of the Committee on Commerce, a long time exponent of this subject, the distinguished senior Senator from New Hampshire (Mr. COTTON), the ranking Republican member on that committee, the distinguished Senator from South Carolina (Mr. HOLLINGS), who has just made this speech on this most important subject, and others on both sides of the aisle, why we cannot go ahead, why the funds could not be found, or why a consolidation could not be made, to the end that this most important area could be gone into in great detail.

May I say also, in connection with this matter, though it is connected only incidentally, that there are other areas in which this administration could bring about reductions, consolidations, and cuts in expenditures. It could have been done under previous administrations, but it was not. That is not saying it is ever too late or that it should not be done.

I understand there are 258 bureaus, agencies, and the like in this Government—this, I think, was disclosed by the Ribicoff committee and the Government Operations Committee—258 agencies which in some way or other have something to do with the problems of the cities in this country.

That is too many agencies, too much duplication, too much overlapping. I would hope that out of that there might come a consolidation and a drastic reduction in the number of agencies which have connections with the cities and their problems. In the same way I would hope that these 22 agencies which the Senator has mentioned as being concerned with the oceans and the atmosphere could be consolidated, so that overlapping and duplication could be eliminated, personnel reduced, and more funds concentrated on research in this most important area which, to repeat, as the Senator has stated, comprises 70 percent of the surface of the globe.

Again I commend the Senator for bringing the matter to the attention of this body.

Mr. HOLLINGS. I thank my colleague from Montana, the outstanding majority leader.

The Senator from Iowa stated that he was embarrassed about the tax reform bills and money. The truth of the matter is that I was very considerate and concerned about money when I undertook this task. I assigned the General Accounting Office, a wing of the Congress of the United States, to audit this particular Stratton Commission report, because I wanted to be able to categorically stand before the Senate and say whether or not we were spending more money.

S. 2841 does not spend more money. It is not a bill designed to spend more money. It is a bipartisan bill. Under the leadership of Mr. LENNON and Mr. MOSHER on the House side, it has already received unanimous approval by their Subcommittee on Oceanography. But it does not spend more money. So while the Senator from Iowa goes on talking about money, I want to bring that fact clearly and categorically to the Senate.

Secondarily, the total world fish catch is 65 million metric tons. The United States catch is 1.95 million metric tons, or down a half million metric tons since 1966.

It is all well to say, "I thought of this back in 1961"; it is a great evil, and the Government has failed to follow through. But the Senator from Iowa, the Senator from South Carolina, and all of us are derelict in not instituting these things.

Here is what the senior Senator from New Hampshire (Mr. COTTON) had to say back in 1965:

The Administration—

He was then talking, you see, of the Johnson Democratic administration; we are criticizing both administrations for not having done it—and I said the last three administrations, in my talk——

But I quote Senator COTTON:

The Administration is drifting aimlessly on an ocean of indecision, with no plans and

no programs for marine resources development. It has done nothing but watch in apathetic silence as the American fishing industry, dependent upon a key ocean resource, has declined into a state of chronic ill health. It has ignored the steadily declining state of the American merchant marine . . . and the budget for oceanographic activities has been stuck on a plateau for the last three years.

I am astonished and dismayed that the Administration, while chasing so many rainbows and so many skies, seems indifferent to the practical and pressing advantages of exploiting the ocean's bottom.

I yield to the Senator from Virginia.

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

Mr. HOLLINGS. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from South Carolina. I would like to say I think he has rendered a service to the country in the speech he has presented here today.

There should be no question that this entire subject of oceanography and what the policy of the United States in the 1970's is is one that demands the highest priority, for three very good, clear reasons.

First, as has already been mentioned by the majority leader, as a source of food for the future. As the world population grows—and we have the projections before us—it is going to be absolutely necessary to turn for a source of proteins to the sea.

When we talk about world population, it is impossible to discuss the subject without talking about our environmental problems, and much of the rhetoric about what we are going to do about the environment will be meaningless if we do not direct it to problems related to the ocean.

At the present time, we have already despoiled approximately one-third of the fishing ground adjacent to the United States. By the year 2000, it is estimated that, when we will have 300 million Americans, 80 percent of them will be living along either the East Coast or the West Coast. We read of approximately a million gallons of oil leaking or being spilled yearly in the oceans, and realize that any study of the environment must encompass, in large measure, the problem of doing something about the oceans' surface and beneath it.

Third, and a most practical reason: we are in competition with the Soviet Union throughout the world, and it has become evident, from the time of the Cuban missile crisis, that the Soviets have perhaps a better understanding of the sea than we do. They understand the value of using the surface of the sea, but beyond that, they understand the great wealth beneath the sea, and they are turning to it with the most complete oceanographic program any nation has ever conceived.

Closely behind them are the Japanese, perhaps devoting more attention to fishing than to other scientific ventures. But this Nation, if it is going to continue as a leader, and as a world power, has to assign a higher priority to the marine sciences.

One other thing I should like to mention. The majority leader talked about the coordination between agencies involved in oceanographic programs, and the Senator from South Carolina mentions this in his fine speech. There are presently 22 different Government agencies dealing with marine sciences.

It has been my privilege, as a member of the Special Subcommittee on Oceanography, to be present at the hearings, and I have yet to hear one agency that is presently willing to give up anything insofar as trying to coordinate this program and to approach oceanography on a systematic rather than a programmatic basis.

I congratulate the Senator from South Carolina for his speech and for the hearings he is chairing at this time.

Mr. HOLLINGS. I thank the distinguished Senator from Virginia, who has given leadership in this matter. He made the first address for our Subcommittee on Oceanography, and he has arranged field trips in the State of Virginia so that we can pursue this problem.

I am glad to yield to my distinguished friend the Senator from Hawaii.

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

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Maine (Mrs. SMITH), I ask unanimous consent that the Senator from South Carolina may proceed for 4 minutes.

Mrs. SMITH of Maine. I have a brief speech.

Mr. MANSFIELD. For not to exceed 5 minutes.

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

Mr. INOUYE. Mr. President, I wish to join the distinguished majority leader and the Senator from Virginia (Mr. SPONG) in commending the distinguished junior Senator from South Carolina for his leadership in this matter.

As have many of my colleagues, I have found oceanography to be a very frustrating activity. It is a subject that has been studied and restudied over the years. We have had several commissions appointed to study this matter, and now we have the Stratton Commission, which has worked for over 2 years, coming forth with a blueprint for action, and we find the administration suggesting another study. I think the time has come for action.

The junior Senator from South Carolina has very eloquently told us why action is necessary now, not a year from now. This Nation—indeed, this world—is most fortunate that we have a man of action at the help of our Subcommittee on Oceanography. I would expect this subcommittee to come forth with a blueprint for action in the year 1970, and I am pleased and proud to be serving with the distinguished junior Senator from South Carolina on this special subcommittee.

Mr. HOLLINGS. I thank my distinguished colleague.

I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to join the Senator from Virginia, the Senator from Hawaii, and the distinguished majority leader in taking this opportunity to commend the distinguished Senator from South Carolina for the work and leadership he is providing in the field of oceanography. As chairman of the newly formed Special Subcommittee on Oceanography, he has impressed all members of both parties, as well as marine experts outside of Government by the diligence with which he has tried to focus the Nation's attention on our failure to exploit the fantastic resources of the sea. As a member of the subcommittee, I look forward to his continued leadership.

As a Senator from a State dependent upon the marine environment, I am pleased that Congress is once again stressing the importance of the oceans. We are a Nation dependent upon the sea, for food, minerals, trade, recreation, and national security. Yet we have ignored it, and abused it. It was, after all, congressional initiative that resulted in the formation of Marine Science Council and a national report on the oceans, not the executive branch.

I am greatly concerned by the increasing evidence that the present administration is assuming a caretaker posture, failing to assign high priority to our marine environment, moving to the rear, and apparently scuttling any real chance for an oceanography program for the United States, worthy of the name. I think that this, in the long run, is exceedingly unwise and may well jeopardize the world balance of power.

I think it is a great mistake to permit the Soviet Union and Japan to go forward in the field of construction of fishing fleets, of marine research and engineering, while the United States sits idly by and further studies the problem.

I think the Senator from South Caroline has done the Nation a great service by calling this issue to our attention. I do not think Congress can permit the administration to continue to fiddle and have another study and not assign greater priority to our marine reserves.

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

Mr. HOLLINGS. I am glad to yield to our distinguished chairman, the Senator from Washington.

Mr. MAGNUSON. I am sorry that I was unable to be present during the entire discussion, but I have been involved in the subject of oceanography for so long that I think I know what we are all talking about.

As the Senator from Maryland has just said, we have a warehouse full of studies—we are running out of room—and they keep it up.

Oceanography has not advanced because it has been stuck around in many different departments. There are a great many feuds and jealousies.

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

Mr. MAGNUSON. May I have 1 additional minute?

Mrs. SMITH of Maine. Mr. President, I have a brief speech which I had promised to deliver before 12 o'clock. It is important that I do so, because I have other appointments. I will be glad to yield 1 minute, but if the discussion continues, I may not be able to deliver my speech before the beginning of the period of germaneness.

Mr. MANSFIELD. I ask unanimous consent that the Senator be permitted to continue for 1 additional minute.

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

Mr. MAGNUSON. The distinguished Senator from South Carolina and the Subcommittee on Oceanography have done an excellent job in reviving the Senate's interest in our Federal organization of ocean programs. We have had the privilege of initiating much legislation on marine affairs in the Committee on Commerce over the past decade. We waited a while after submission of the Stratton Commission report to see what reaction and action we would get from the administration and, when none came, we decided it was time once again to let yet another administration know that the Senate is interested in our ocean programs. To emphasize this interest, the Commerce Committee established the Subcommittee on Oceanography.

Our interest is obvious. Marine affairs have grown immensely in importance to the United States in the last 10 years, but our Federal organization sputters along like a model T. Our population grows and concentrates in the coastal zone of the country, greater demands are made on limited space, competing uses expand and threaten the quality of the waters and nearby land areas with our pollutants. We must both use and enhance our marine environment. The challenge to accomplish the wise use of marine resources and the marine environment will involve all levels of government, from local, to State, to National, and to international. Research institutions are needed to provide fundamental knowledge from which decisions can be made wisely. Development of technology with which we can work in the marine environment more effectively and economically, and assessment of that technology to determine its potential impact on the marine environment and its contribution to our goals are also needed.

This task is just as important as space. Our well-being and that of others is going to depend in large measure on the oceans in the future. But we will never realize the potential of the oceans with half-hearted programs, and a maze of Federal agencies. We need strong ocean leadership in the United States. That is what the Committee on Commerce and the Senate have been telling the executive branch for 10 years, and as the distinguished Senator from South Carolina points out in his speech, it is hard to get them to listen. Maybe this time they will believe us.

I compliment the Senator from South Carolina, on behalf of the committee, for the job he has done in his recent hearings, on the leadership he is providing in the Senate, and I agree with him that the time to get going is now. We cannot wait any longer nor afford the half-hearted responses we have been getting from the administration. Now is the time to move for a National Oceanic and Atmospheric Agency to provide the leadership we need in the sea.

Mr. HOLLINGS. I thank the Senator. Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SPONG in the chair). Under the previous order, the Senator from Maine (Mrs. SMITH) is recognized for not to exceed 20 minutes.

Mr. MILLER. Mr. President, will the Senator yield me 1 minute?

Mrs. SMITH of Maine. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, I do not want the record to stay open on that last note of comments made by my colleagues from South Carolina and Montana.

First of all, the Senator from Montana knows as well as anyone that the Tax Reform Act of 1969 was passed by bipartisan support. That was not the point I was making at all. The point that I was making was in connection with the excessive tax relief provisions of that act.

All one has to do is look at the rollcall records and he will find who is responsible for it.

Mr. TYDINGS. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. Mr. President, with respect to the Senator from South Carolina's speech, if he had just been content to leave out of his speech, the digging away with respect to the Interior Secretary and the President, which I thought was most unnecessary and on shaky ground, I could have stood up on the floor and joined other colleagues in praising it.

That is why I say, he spoiled it by getting into this partisan digging on a subject on which we have had bipartisan support for a long while.

Mr. TYDINGS. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. Everyone knows that this is something deserving of bipartisan support, and I regret very much that he saw fit to speak as he did on that point. As long as he did, I thought I should make the points I have.

I thank my distinguished colleague from Maine very much for yielding to me.

SUBMISSION OF SENATE RESOLUTION 364 AND SENATE RESOLUTION 365 RELATING TO JURISDICTION OF STANDING COMMITTEES OF THE SENATE

Mrs. SMITH of Maine. Mr. President, in the more than 21 years that it has been my privilege to serve in the U.S. Senate, I found the Senate debate on the evening of December 20, 1969, to be probably the most acrimonius and bitter I had heard. Deep anger and resentment were expressed by several Senators.

There were several facets to this deep anger and resentment. But the basic anger and fundamental resentment expressed were with respect to committee jurisdiction. In this instance, the issue was whether the Senate Appropriations Committee had invaded the jurisdiction of the Senate Foreign Relations Committee, specifically on the question of appropriating without prior authorization legislation from the Senate Foreign Relations Committee.

I found the dialog and debate fascinating not just because of the tempers displayed—but even more because of the education and primer lesson given to many of us by the senior Senator from Florida, who cited verse and chapter on many past incidents of appropriating without prior authorization legislation. Such incidents have included not only the $4 billion for foreign aid in the 1951 Supplemental Appropriation Act but a much more recent instance in the 1968 Supplemental Appropriation Act of funds for an airport in Montana.

As I sat and listened to the emotional and heated debate and watched the committees square off against each other, specifically the Foreign Relations Committee square off against the Appropriations Committee, my mind flashed back to earlier committee jurisdictional disputes and incidents of what several committees have felt to be invasions of their jurisdictions by other committees.

I did not recall any earlier protests by the Foreign Relations Committee of invasion by any other committee of its jurisdiction. But I recalled the earlier controversy that year between the Interior and Insular Affairs Committee and the Public Works Committee on which should have jurisdiction over environmental control legislation, more specifically on the now politically popular antipollution legislation. That had come earlier in the year and from newspapers accounts was on the brink of being fought out on the Senate floor before a compromise was reached by the two committees.

I recalled the last Senate floor fight prior to the fight that night on committee jurisdiction. It was several years ago. It was an issue with respect to the jurisdiction of the Armed Services Committee and the Appropriations Defense Subcommittee being the Senate joint "watchdogs" on the Central Intelligence Agency. The then chairman of the Senate Armed Services Committee met the challenge to his committee with a firm stand and forced a showdown vote and won handily.

I can recall no such Senate floor defense of committee jurisdiction since that time until the controversy of the night of December 20, 1969.

But I do know that many members of several committees have felt that other committees were invading their committees' jurisdiction. They have complained about it off the Senate floor but never have gotten to the point of taking the issue to the Senate floor.

The issue the night of December 20, 1969, involved the protest of the Foreign Relations Committee against the Appropriations Committee for appropriating without prior authorization legislation, and thus invading the jurisdiction of the Foreign Relations Committee.

This brings to mind the resentment against the opposite being done—the cases of the authorizing committees invading the jurisdiction of the Appropriations Committee with the "back door spending" and the "side door spending" provisions that authorizing committees have put in legislation they have reported to the Senate.

The "back door" technique is that in which authorizations are provided to spend from the public debt receipts, having the effect of an appropriation for all practical purposes. For example, the Export-Import Bank is authorized to borrow up to $13 billion from the U.S. Treasury and through June 30, 1969, had used authority to borrow over $7 billion.

The "side door" technique is the use of contract authorization by legislation authorizing the placing of contracts without an immediate appropriation of funds. Contract authority granted for fiscal year 1969 exceeded $11 billion and for fiscal year 1971 over $8 billion has been recommended. Recent examples of this method of financing are $4 billion for water pollution control construction grants and $10 billion for urban mass transportation.

But, Mr. President, more important than the prestige and integrity of any one committee is the committee system itself upon which the fundamental operations of the Senate are based—the committee system which is the very heart and backbone of the work of the Senate.

Subjectively, many committee members are deeply concerned with what they consider to be unwarranted incursions by other committees into the work and jurisdiction of their own committees—sometimes to the point that one committee may continuously be looking over the shoulder of another committee, assuming to itself being a "watchdog" over another committee.

Objectively, many Senators, apart from their concern about the jurisdiction of their own committees, are concerned about the breakdown of the committee system itself and the strong tendency to nullify that system with replacement of it with a practice of dominance of "Committee of the Whole," leading to the floor of the Senate becoming a legislative jungle.

It was with these thoughts in mind that I rose on the Senate floor near the end of the acrimonious debate on the night of December 20, 1969, and stated that I considered the debate that night to be the climax of a growing pent-up emotion in the Senate on this matter of committee jurisdiction and the committee system—and that I would introduce a resolution calling for an inquiry and study of this matter.

I was quite surprised at the number of Senators who came to me and, with great feeling, expressed their approval of such a move, with many of them saying that they would like to cosponsor such a resolution. Among those who expressed approval was the majority leader and my colleague from Maine.

So today I am sending to the desk for appropriate reference two resolutions calling for such an inquiry and study. I am submitting two resolutions because I am making my proposal of an inquiry and study in alternatives.

I am doing this because I assume that the two resolutions will be referred to the Committee on Rules and Administration, and I wish to give that committee the choice between making such inquiry and study under its own authority and jurisdiction—as I certainly would not want to be guilty of proposing that that committee's jurisdiction be invaded by another committee—or reporting out the alternative resolution to establish a temporary special committee to make such inquiry and study.

I have not sought cosponsors on such resolutions because I am not sure but that the heat of the December 20, 1969, debate has so cooled off that some of the Senators who privately expressed themselves in approval that night might not still feel the same way now.

Mr. President, I send to the desk two resolutions for appropriate reference and thank the majority leader for his kindness in yielding me the time.

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

The resolutions (S. Res. 364 and S. Res. 365), which read as follows, were referred to the Committee on Rules and Administration:

S. RES. 365

Resolution to establish a temporary Special Committee on Jurisdictional Rules

Resolved, That (a) there is hereby established a temporary special committee of the Senate to be known as the Special Committee on Jurisdictional Rules (referred to hereinafter as the "committee") consisting of five Members of the Senate, of whom three shall be members of the majority party and two shall be members of the minority party. Members and the chairman thereof shall be appointed by the President of the Senate upon recommendations made by the majority leader of the Senate and the minority leader of the Senate, respectively. Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(b) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(c) Except as expressly provided by this resolution, no legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

SEC. 2. (a) It shall be the duty of the committee to—

(1) conduct a comprehensive study and investigation with respect to the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate; and

(2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

(b) The committee shall report to the Senate at the earliest practicable date, not later than January 31, 1971, the results of its studies and investigations, and its recommendations for any changes in the Standing Rules of the Senate or other measures which it may determine to be necessary or desirable. Upon the submission of its report to the Senate, the committee shall cease to exist.

SEC. 3. (a) For the purpose of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed by the General Schedule Pay Rates established by subchapter III, chapter 53, title 5, United States Code, for comparable duties.

(b) Upon request made by the members of the committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the committee may receive compensation at an annual gross rate which exceeds by more than $2,400 the annual gross rate of compensation of any individual so designated by the minority members of the committee.

(c) With the consent of the chairman of any other committee of the Senate, the committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the special committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $10,000 through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

S. RES. 364

Resolution authorizing the Committee on Rules and Administration to determine the extent of compliance by standing committees with jurisdictional rules of the Senate

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study to (1) determine the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate, and (2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; and (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than

the highest gross rate paid to any other employee.

SEC. 3. The committee shall report its findings, together with its recommendations for such changes in the Standing Rules of the Senate or other measures as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ANDERSON. Mr. President, will the Senator from Maine yield?

Mrs. SMITH of Maine. I yield.

Mr. ANDERSON. Mr. President, I would like to have the Senator from Maine grant me the privilege of cosponsoring the resolutions.

Mrs. SMITH of Maine. Mr. President, I would be happy to have my distinguished colleague, the chairman of the Aeronautical and Space Sciences Committee cosponsor the resolution. I appreciate having him present to participate.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Maine yield?

Mrs. SMITH of Maine. I yield.

Mr. GRIFFIN. Mr. President, if the Senator is accepting copsonsors, I respectfully ask that I be allowed to be added as a cosponsor of the two resolutions.

Mrs. SMITH of Maine. I am happy to have the distinguished assistant minority leader cosponsor the resolutions.

Mr. MILLER. Mr. President, would the Senator from Maine add my name to the resolutions?

Mrs. SMITH of Maine. Mr. President, I will be happy to add the name of the Senator from Iowa as a cosponsor of the two resolutions.

Mr. WILLIAMS of Delaware. Mr. President, I should also like to be a cosponsor of the two resolutions.

Mrs. SMITH of Maine. Mr. President, I am happy to to have the Senator from Delaware as a cosponsor of the resolutions.

Mr. JAVITS. Mr. President, I should also like to be listed as a cosponsor of the two resolutions.

Mrs. SMITH of Maine. Mr. President, I am happy to have the Senator from New York as a cosponsor of the resolutions.

Mr. President, I ask unanimous consent that the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Delaware (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) be added as cosponsors of the two resolutions.

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

Mrs. SMITH of Maine. Mr. President, I deeply appreciate the other Senators who were present to listen joining me in this effort.

ORDER OF BUSINESS

The PRESIDING OFFICER. This concludes the time that had been set aside.

The Senate may proceed to the consideration of routine morning business.

RAILROAD EMPLOYEES SUPPLEMENTAL ANNUITIES—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of March 4, 1970, pp. 5896–5898, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

Mr. EAGLETON. Mr. President, this bill will provide the necessary funds to put the supplemental pension program for retired railroad workers on a sound financial basis and to make up payments to the beneficiaries of the program which have not been paid because of insufficient funds. There are in excess of 60,000 retired railroad workers who are entitled to monthly supplemental pension payments ranging from $45 to $70 a month.

We are all familiar with the difficulties experienced by retired persons living on limited incomes. These retired railroad workers are no exception; the supplemental annuity payments are of critical importance to them.

Since the latter part of last year, the payments have not been made on a regular basis. The checks due on the first of December were not sent until late December. The checks for January 1, 1970, were not released until February 26. Unless this bill is passed, the February 1 checks will not be sent until early in May.

The inability of the Railroad Retirement Board to make regular monthly payments stem from erroneous actuarial estimates that were made when the supplemental pension program was first enacted into law in 1966. These pensions are financed solely by employer contributions paid in the form of a tax. The tax level established in 1966 was based upon a calculation of the number of retirements that might reasonably be expected.

The rate of retirement has exceeded the estimates made in 1966 by about 30 percent; hence, the rate of employer contribution then established has proved insufficient to finance the supplemental pension fund.

This bill would put the program on a sound financial basis and would make the program permanent, rather than being subject to the 1971 expiration date contained in the original law.

The bill as passed by the House provided for the mandatory retirement of railroad workers, ultimately at age 65. I opposed the compulsory retirement feature. Had we enacted the House version of this bill, it would have been the first time, to my knowledge, that Congress legislated mandatory retirement for workers in private industry.

On February 4, 1970, the Senate passed a different version of the bill. The Senate bill dropped the mandatory retirement section and substituted a retirement incentive feature which established a schedule for the forfeiture of a percentage of the supplemental annuity to which an individual would otherwise be entitled for each year he works after age 65.

I am pleased that the conference committee abandoned compulsory retirement and adopted the Senate approach, with some modifications.

The bill agreed to by the conferees permits a railroad worker to make a free, individual choice as to whether he wishes to retire and collect his supplemental pension, or to continue working and forego the supplemental pension. The age for making this choice will initially be 68 in 1970, and will be reduced annually until it reaches age 65 in 1974, where it will remain.

I should emphasize that this bill applies only to the supplemental pension and not to the basic railroad retirement pensions.

Mr. President, the members of the Conference Committee from both the House and the Senate worked long and hard to reach the agreement expressed in this bill. It is, I believe, an equitable agreement. It insures that supplemental pensions will be paid on a regular basis in the future and that all past unpaid obligations will be met. I have been advised by the Railroad Retirement Board that past due payments should be able to be made within 10 days or 2 weeks after the date this bill becomes law.

I move that the conference report be agreed to.

The report was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

WATERSHED WORKS OF IMPROVEMENT PLANS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement (with accompanying plans); to the Committee on Agriculture and Forestry.

PROPOSED AMENDMENTS OF THE PEACE CORPS ACT

A letter from the Director, Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act, as amended (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the implementation of the accounting system for operations in the Department of Defense, dated March 4, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving the administration of the Federal program of aid to educationally deprived children in West Virginia, Office of Education, Department of Health, Education, and Welfare, dated March 5, 1970 (with an accompanying report); to the Committee on Government Operations.

RIVER PLAN FOR THE MIDDLE FORK FEATHER RIVER, CALIFORNIA

A letter from the Chief, Forest Service, United States Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork Feather River, California, dated March 1970 (with an accompanying document); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

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

WATERSHED WORKS OF IMPROVEMENT PLANS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement (with accompanying plans); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint memorial of the Legislature of of the State of New Mexico; to the Committee on Agriculture and Forestry:

"HOUSE JOINT MEMORIAL 5, STATE OF NEW MEXICO

"A joint memorial requesting the Congress of the United States to take positive action to insure passage of legislation to provide adequate funds to implement child-feeding programs

"Whereas, in 1946 the Congress of the United States passed an act to make a national school lunch program permanent and made the following declaration of policy: 'It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the states, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school-lunch programs'; and

"Whereas, this program has been acknowledged at all levels of government as an exemplary cooperative local, state and federal endeavor; and

"Whereas, additional child-feeding programs have been established and funded because of interest created by surveys which found that hunger and malnutrition exist in all areas of our country and at all economic levels; and

"Whereas, in school districts which have made a maximum effort to implement the nutrition programs and include nutrition education in the school and community, and other districts which have made a maximum effort to include all those children financially unable to pay the full cost of their meals, there has been great expansion in participation; and

"Whereas, local communities and states, nationwide, have been greatly handicapped in their ability to fully implement these programs because the need is greater than funds will afford; and

"Whereas, the state of New Mexico, operating with the allocations made from the regular United States department of agriculture congressional appropriations and projecting program obligatons to participating schools, will exhaust all available funds sometime in April, 1970; and

"Whereas, since the schools will have no resources from which to supplement the programs, the result will be that food service to children unable to pay the full price of the meal will be withdrawn and in some areas the meal provided through the school lunch program to needy children is the only substantial meal eaten by such children each day:

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States is requested to take immediate action to insure passage of pending legislation which will provide an appropriation of funds adequate to insure that all states will be able to provide nutritionally-sound free or reduced-price meals for every needy child; and

"Be it further resolved that copies of this memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and to the members of New Mexico's delegation to the Congress of the United States."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Finance:

"HOUSE JOINT MEMORIAL 9, STATE OF NEW MEXICO

"A joint memorial requesting the Congress of the United States to provide adequate funds to increase the allotments to recipients under the GI Bill

"Whereas, many of our young men with great personal sacrifice, unselfishly have risked their lives in the cause of freedom; and

"Whereas, the furtherance of their education and training has been sacrificed on the altar of a distant war in the jungles of South Viet Nam; and

"Whereas, the true strength of our country has always been its ambitious youth struggling for self-improvement; and

"Whereas, educational assistance can only partially repay the veteran for lost youth and opportunity, but does add to the true wealth of America;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States is requested to provide adequate funds to increase the allotments to recipients under the G.I. Bill; and

"Be it further resolved that copies of this memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and to the members of New Mexico's delegation to the Congress of the United States."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"HOUSE MEMORIAL 18, STATE OF NEW MEXICO

"A memorial requesting the Congress of the United States to purchase and designate as a national park the narrow gage railroad system running between the town of Chama, N. Mex., and the towns of Antonito and Durango in Colorado and to provide for its maintenance and operation

"Whereas, the states of New Mexico and Colorado are contracting to purchase from the Denver and Rio Grande Railroad, all or part of the narrow gauge railroad system running between the town of Chama, New Mexico and the towns of Antonito and Durango in Colorado; and

"Whereas, the narrow gauge railroad system has been an integral part of the history of the Rocky Mountains and of the West; and

"Whereas, the preservation of a narrow gauge railroad system in the scenic Rocky Mountains would be a fitting national park and enable future generations to understand the history of the area and the pioneering spirit of the early Americans;

"Now, therefore, be it resolved by the House of Representatives of the State of New Mexico that the Congress of the United States of America be requested to purchase the narrow gauge railroad system between Chama, New Mexico and Colorado from the states of New Mexico and Colorado to create a national park out of the railroad system and operate and maintain a narrow gauge train service through the scenic interstate route; and

"Be it further resolved that copies of this memorial be sent to the leadership in the congress, to each member of the New Mexico congressional delegation, and to the National Park Service."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"ALASKA STATE LEGISLATURE

"Joint resolution urging the enactment of legislation for the protection of American personnel captured in military operations other than in a 'declared war'

"Be it resolved by the Legislature of the State of Alaska:

"Whereas Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States government become the 'supreme law of land'; and

"Whereas notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it 'shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them'; and

"Whereas the government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 14, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

"Whereas repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State;

"Be it resolved by the Alaska State Legislature, that the United States government is requested to undertake a more determined effort to obtain the release of names of prisoners now held; to effect the immediate release of sick and wounded prisoners; to achieve impartial inspections of prisoner of war facilities; to assure proper treatment of all prisoners; to facilitate the regular flow of mail; and most importantly, to obtain the release and freedom from captivity of those American men of this 'undeclared' war with North Vietnam; and be it

"Further resolved, that there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel cap-

tured in military operations other than in a 'declared war' to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable William P. Rogers, Secretary, Department of State; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; the Honorable J. W. Fulbright, Chairman of the Senate Foreign Relations Committee; the Honorable Thomas E. Morgan, Chairman of the House Foreign Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"STATE OF MISSISSIPPI, SENATE CONCURRENT RESOLUTION NO. 514

"A concurrent resolution petitioning the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

"Be it resolved by the Mississippi State Senate, the House of Representatives concurring therein:

"Section 1. Under the provisions of Article V, of the Constitution of the United States of America, the Congress of the United States is respectfully petitioned by the Mississippi State Legislature to call a convention for the purpose of proposing an amendment to the Constitution of the United States of America to achieve the objective that:

" 'No person shall, by reason of race, color, creed or national origin, be refused admission to or be excluded from any public school nor be compelled to attend a designated public school.'

"Section 2. If Congress shall have proposed an amendment to the Constitution to achieve substantially the same objective as provided in Section 1 hereof prior to January 1, 1974, this application for a convention shall no longer be of any force and effect.

"Section 3. A duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the United States House of Representatives and to each member of the Mississippi Congressional Delegation."

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Frank Wille, of New York, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably to the Senate various and sundry nominations.

I am very glad to see that one of the nominations is of a man whom we all know—Otto E. Graham, Jr.—who is going back to teach on the staff of the Coast Guard Academy as a professor with the grade of captain.

The PRESIDING OFFICER. The reports will be received and the nominations will be placed on the Executive Calendar.

The nominations, ordered to be placed on the Executive Calendar are as follows:

Robert H. Cannon, Jr., of California, to be an Assistant Secretary of Transportation;

James A. Palmer, Ellis L. Perry, John F. Thompson, Jr., Edward D. Scheiderer, and Albert A. Heckman, Coast Guard officers, for promotion to the grade of rear admiral; and

Otto E. Graham, Jr., to be a member of the permanent commissioned teaching staff of the Coast Guard Academy, as a professor, in the grade of captain.

Mr. MAGNUSON. I also report favorably sundry nominations in the Environmental Science Services Administration which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the cost of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Archibald J. Patrick, and sundry other persons, for promotion in the Environmental Science Services Administration.

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. JAVITS:

S. 3549. A bill to extend, consolidate, and improve programs under the Library Services and Construction Act; to the Committee on Labor and Public Welfare.

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

By Mr. DOLE:

S. 3550. A bill to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. PELL:

S. 3551. A bill to amend part 1 of the Interstate Commerce Act to require the installation of sanitation devices in railroad cars to prevent the discharge from such cars of sewage; to the Committee on Commerce.

By Mr. McINTYRE:

S. 3552. A bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen; to the Committee on the Judiciary.

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

By Mr. MOSS:

S. 3553. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON (for himself and Mr. DOLE):

S.J. Res. 181. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States and for the determination of the result of such election; to the Committee on the Judiciary.

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

INTRODUCTION OF S. 3549—THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. JAVITS. Mr. President, I am pleased today to introduce an administration measure, the Library Services and Construction Amendments of 1970. This measure would extend for 5 years and amend the Library Services and Construction Act, which has fostered the growth of public library services across the Nation since 1956.

This bill would consolidate the present four titles into a single, more flexible program authority thereby simplifying and strengthening Federal library assistance and encouraging more systematic long-range planning to meet State needs. The proposal exemplifies the efforts of this administration to decentralize and combine similar categorical programs wherever appropriate and gives the States and localities more flexibility to meet their needs in ways best suited to their own particular circumstances to reduce redtape.

While the present Library Services and Construction Act requires each State to submit annually five separate State plans for the five separate categories of library assistance it offers, this bill would require submission of only one State plan, covering the various kinds of library assistance. This bill represents an effort to insure that each State agency charged with administering the State's libraries will have maximum freedom to determine how Federal support for library services would be most wisely spent; it represents the logical next step in the Federal program for libraries.

The Library Services and Construction Act has accomplished a substantial growth of public library services for our citizens. Through title I, public library services have been expanded, improved, and in many cases extended to communities previously without library services. Inadequate public library facilities have been remodeled and expanded through resources appropriated under title II; new facilities have been constructed in areas where none existed before. Title III has nurtured the growth of cooperative networks, enabling libraries of different kinds—public, academic, and specialized libraries, for example—to share resources and services. States have strengthened library resources and services in State residential institutions under the auspices of title IV–A of the act, reaching thousands of prison inmates, mental patients, orphans, and so on. Finally, title IV–B has helped the States and local communities to make special library services available to physically handicapped persons who would otherwise be deprived of library services, because their handicaps prevent them from using regular library materials.

Clearly, these programs have not only helped strengthen library services throughout the country, but have helped strengthen State capacities for assessing specific kinds of library needs and administering programs designed to meet them. Because the States have gained that kind of experience from their role in the activities of the current Library Services and Construction Act, they are now prepared to assume the increased measure of responsibility assigned to them by this bill. Because this bill combines five programs of library assistance into one, each State will be able to assess the broad range of public library needs in the State and determine how Federal assistance available can best be allocated among areas of the State and kinds of library services. In such a way, the use of funds will more accurately reflect the particular library needs of each State. With the elimination of five State plans and five separate administrative systems, each State should gain time and manpower to devote to more creative administration of the public library assistance program.

Under the bill's provisions, each State would receive a base allocation of $200,000. The rest of the money would be apportioned among States partly on the basis of its overall population, partly on the basis of its low-income population. No State would suffer from the allocation formula change, since a grandfather clause would guarantee it at least the same level of funding as the year before the amendment takes effect.

Funds would be used for the same kinds of library assistance as those supported by the present law, except that each State would decide how much of its allocation would go for which purpose. Priority would be given to projects in areas with high concentrations of disadvantaged people, adding a new emphasis to services to the disadvantaged. The Secretary of Health, Education, and Welfare would be authorized to set aside up to 1 percent of each year's appropriation for evaluation of the programs supported under the act.

The amendments contained in this bill would become effective on July 1, 1971, immediately after the expiration of the present law. However, some funds could be appropriated in fiscal year 1971 under this bill to aid States in making the transition from their responsibilities under the existing provisons of their mandate under the new provisions.

I send the bill to the desk and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD together with a section-by-section analysis of the bill.

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

The bill (S. 3549) to extend, consolidate, and improve programs under the Library Services and Construction Act, introduced by Mr. JAVITS, 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. 3549

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 "Library Services and Construction Amendments of 1970".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act, in order to improve the administration and implementation of programs under the Library Services and Construction Act, to lessen the administrative burden upon the States through reduction of the number of State plans under such Act from five to one and to afford the States greater discretion in allocating funds under such Act to meet specific State needs by combining within a single authorization the programs formerly authorized by titles I, II, III, and IV of such Act. It is the further purpose of this Act to offer greater encouragement to the States to extend library services to areas with high concentrations of low-income families and without adequate library services.

CONSOLIDATION OF TITLES I, II, III, AND IV OF LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 3. The Library Services and Construction Act is amended by striking out everything after section 2 thereof and inserting in lieu thereof the following:

"TITLE I—FINANCIAL ASSISTANCE TO STATES FOR LIBRARY SERVICES AND CONSTRUCTION

"APPROPRIATIONS AUTHORIZED

"SEC. 101. (a) The Commissioner of Education (hereinafter in this Act referred to as the Commissioner) shall carry out a program for making grants to the States for the uses and purposes set forth in section 103 of this title.

"(b) For the purpose of making such grants, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the four succeeding fiscal years.

"ALLOTMENTS TO STATES

"SEC. 102 (a) (1) From the sums appropriated pursuant to section 101(b) for carrying out this title for any fiscal year, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine and shall allot such amount among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this Act, as determined by the Commissioner.

"(2) The remainder of such sums shall be allotted by the Commissioner by allotting to each State $200,000 plus an amount equal to the sum of—

"(A) an amount which bears the same ratio to 50 per centum of the balance of such remainder as the number of families and unrelated individuals in the State having an annual income of less than the low-income factor bears to the number of such families and unrelated individuals in all of the States, and

"(B) an amount which bears the same ratio to 50 per centum of the balance of such remainder as the population of the State bears to the population of all of the States.

The amount allotted to any State under this paragraph for any fiscal year which is less than its aggregate base year allotment shall be increased to an amount equal to such aggregate, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under this paragraph, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being reduced to less than its aggregate base year allotment.

"(3) For the purposes of this subsection, for any fiscal year, the "low-income factor" shall be the income level of the 25 per centum of the families and unrelated individuals in the United States who are in the lowest income range, as determined on the basis of the most recent satisfactory data available to the Commissioner, increased to the next higher multiple of one hundred dollars.

"(4) For the purposes of this subsection, (A) the term 'aggregate base year allotment' with respect to a State means the sum of the allotments to that State, for the fiscal year ending June 30, 1971, under the Library Services and Construction Act as then in effect; (B) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and (C) the number of families and unrelated individuals having an annual income of less than the low-income factor in each State and in all of the States and the population of each State and of all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

"(c) A State's allotment under this section for any fiscal year shall be available for payments with respect to programs or projects approved under its State plan, and activities described in section 103(c), during such fiscal year and, in the case of projects for construction, the succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 103. (a) Payments under this title may be used, in accordance with State plans approved under section 104, for programs or projects for any of the following purposes:

"(1) extension of public library services to areas without such services or to areas with inadequate services;

"(2) construction of public library facilities to serve areas without library facilities necessary to provide public library services or areas with library facilities which are seriously inadequate for the provision of such services, except that priority shall be given to projects in areas without such facilities;

"(3) establishment and maintenance of programs of interlibrary cooperation (including local, regional, State, or interstate cooperative networks of libraries and other programs for the systematic and effective coordination of the resources of school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clientele served by each type of library or center);

"(4) establishment or improvement of State institutional library services;

"(5) establishment or improvement of library services to the physically handicapped; and

"(6) comprehensive planning for any of the foregoing.

"(b) For the purposes of this title—

"(1) the term 'public library services' means library services furnished by a public library free of charge.

"(2) the term 'State institutional library services' means the providing of books and other library materials, and of library serv-

ices, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, and (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(3) the term 'library services to the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(c) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title and allotted to any State may be used for—

"(1) proper and efficient administration of the State plan (including development and updating of the State's long-range program);

"(2) evaluation of plans, programs, and projects to carry out the purposes of this title and dissemination of the results thereof;

"(3) technical, professional, and clerical assistance and the services of experts and consultants to assist a State advisory council in carrying out its responsibilities, but only if such council is appointed by the Governor and is broadly representative of professional library interests and library users (including disadvantaged persons) within the State and has responsibility and authority for advising on policy matters arising on the preparation of the State's plan and long-range program under this title and on the administration of such plan.

"STATE PLANS AND LONG-RANGE PROGRAMS

"SEC. 104. (a) Any State which desires to receive grants under this title for any fiscal year shall submit, in accordance with regulations of the Commissioner, a State plan for such year for carrying out the purposes of this title, in such form and in such detail as the Commissioner deems necessary. Such State plan shall—

"(1) subject to section 204 of the Intergovernmental Cooperation Act, provide for administration or supervision of administration of the plan by the State library administrative agency;

"(2)(A) set forth criteria for determining the order of approval of applications in the State for assistance under the State plan, including criteria designed to assure that in the approval of applications for programs or projects for the extension and improvement of public library services (including construction) priority will be given to programs or projects which serve areas with high concentrations of low-income families and (B) provide that applications for assistance within the State shall be approved in order of the priority so determined; and

"(3) provide satisfactory assurance—

"(A) that an opportunity to participate in programs to carry out the purposes described in paragraphs (3), (4), and (5) of section 103(a) will be afforded to all appropriate local, State, or other public or nonprofit private agencies or organizations in the State;

"(B) that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including any such funds paid by the State to any other agency) under this title;

"(C) that procedures have been adopted (i) for the periodic evaluation of the effectiveness of programs and projects supported under the State plan, and (ii) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

"(D) that effective procedures have been adopted for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library service programs;

"(E) that the State agency administering the plan (i) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in carrying out its purposes including reports of evaluations made under the State plan and (ii) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(F) that final action with respect to the approval or disapproval of any application (or amendment thereof) shall not be taken without first (1) affording the agency or agencies submitting such application reasonable notice and opportunity for a hearing and (2) affording interested persons an opportunity to present their views.

"(b)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless—

"(A) the plan fulfills the conditions specified in subsection (a) of this section; and

"(B) the plan has, prior to its submission, been made public by the State agency to administer it and a reasonable opportunity has been given by that agency for comment thereon by interested persons.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(c) To be eligible for assistance under this title for a fiscal year, a State shall also develop and adopt, in consultation with the Office of Education, a long-range program for carrying out the purposes of this title. Such program (1) shall cover a period, beginning with the year for which such assistance is provided, of not less than three nor more than five years and (2) shall be annually updated. Prior to its final adoption, such program shall be made public and a reasonable opportunity shall be afforded for comment thereon by interested persons. Such program shall be made public as finally adopted.

"WITHHOLDING

"SEC. 105. Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under section 104, finds—

"(a) that the State plan has been so changed that it no longer complies with the provisions of this title concerning the approval of the plan, or

"(b) that in the administration of the plan there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in such plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this title or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or shall require that payments by such State agency under this title shall be limited to local or other public library agencies not affected by the failure.

"JUDICIAL REVIEW

"SEC. 106. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 104(a) or with his final action under section 105 such State may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

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

"PAYMENTS TO STATES

"SEC. 107. (a)(1) From each State's allotment under section 102 for any fiscal year the Commissioner shall pay to that State, if it has in effect a State plan approved pursuant to section 104(b) for that fiscal year and has adopted a long-range program in accordance with section 104(c), an amount equal to the Federal share of the amount expanded by the State and its political subdivisions during such fiscal year for the uses referred to in section 103 in accordance with its State plan, except that with respect to the uses set forth in section 103(c), the amount paid by the Commissioner shall not exceed the Federal share of the amount expended by the State (without regard to amounts expended by its political subdivisions).

"(2) Notwithstanding any other provision of this section, no payments shall be made to any State (other than the Trust Territory of the Pacific Islands) from its allotment for any fiscal year unless the Commissioner finds that—

"(A) there will be available for expenditure under the plan from State or local sources during the fiscal year for which the allotment is made (i) sums sufficient to enable the State to receive under this section payments in an amount not less than $200,000 in the case of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and (ii) not less than the total amount actually expended, in the areas covered by the plan for such year, for public library services from such sources in the second preceding fiscal year, and

"(B) there will be available for expenditure for public library services and for State institutional library services from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such services from such sources in the second preceding fiscal year.

"(C) there will be available for expenditures for library services to the physically handicapped from sources other than Federal sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such services from such sources in the second preceding fiscal year.

"(3) Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

"(b) For the purposes of this section the 'Federal share' for any State shall be 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (1) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, or the Federal share shall be 50 per centum in the case of any State if requested by the State library administrative agency, and (2) the Federal share for Puerto Rico, Guam, American Samoa and the Virgin Islands shall be 66 per centum, and the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(c) The 'Federal share' for each State shall be promulgated by the Commissioner between July 1 and September 30 of each even numbered year, on the basis of the average of the per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except, that the Commissioner shall promulgate such percentages as soon as possible after enactment of the Library Services and Construction Amendments of 1970. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"TITLE II—GENERAL PROVISIONS

"EVALUATION

"SEC. 201. Such portion as the Secretary may determine, but not more than 1 per centum, of appropriations, under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs authorized by this Act, and, in the case of allotments from such appropriations, the amount available for allotment shall be reduced accordingly.

"RECOVERY OF PAYMENTS

"SEC. 202. If within 20 years after completion of any construction for which Federal funds have been paid under this Act—

"(a) the owner of the facility shall cease to be a State or local library service agency, or

"(b) the facility shall cease to be used for the library and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"LABOR STANDARDS

"Section 203. All laborers and mechanics employed by contractors or subcontractors on 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). In the case of any public library, the Commissioner may waive the application of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Commissioner determines that any amounts saved thereby are fully credited to the agency undertaking the construction. 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) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"DEFINITIONS

"SEC. 204. For the purposes of this Act—

"(a) The term 'State' means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands;

"(b) The term 'State library administrative agency' means the official State agency charged by State law with the extension and development of public library services throughout the State;

"(c) The term 'public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds;

"(d) The term 'construction' means (1) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (2) acquisition of existing structures not owned by any agency or institution making application for assistance under this Act; or (3) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (4) a combination of any two or more of the foregoing;

"(e) The term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services;

"(f) The term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE AND TRANSITIONAL PROVISIONS FOR CONSOLIDATED PROGRAMS

SEC. 4. (a) The amendments made by this Act shall be effective on July 1, 1971.

(b) During the fiscal year ending June 30, 1971, funds allotted to any State by the Commissioner of Education for such year under the Library Services and Construction Act, as in effect prior to enactment of this Act, for any of the programs referred to in section 103 of such Act (as amended this Act) and available for expenses of administration (including expenses of advisory councils) of such programs, may, with the approval of the Commissioner, be used by the State for necessary expenses during such year for the preparation of a State plan, to be submitted to the Commissioner under section 104 of that Act (as so amended) for the fiscal year ending June 30, 1972, and for the development of a long-range program, in accordance with section 104(c) (as so amended) and for the establishment of a State advisory council in accordance with section 103(c) and its expenses in advising on the preparation of the State plan.

The material presented by Mr. JAVITS is as follows:

SECTION-BY-SECTION ANALYSIS, LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Section 1. Citation

This section of the bill provides that the Act may be cited as the "Library Services and Construction Amendments of 1970."

Section 2. Statement of purpose

This section describes the purpose of the Act, to improve the administration and implementation of programs under the Library Services and Construction Act, by easing the administrative burden upon the States through reduction in the number of State plans and by affording the States greater discretion in the allocation of funds through program consolidation. The section further indicates that the Act is intended to offer greater encouragement for the extension of library services to areas with high concentrations of low-income families.

Section 3. Consolidation of titles I, II, III, and IV of Library Services and Construction Act

This section of the bill would strike out everything after section 2 of the Library Services and Construction Act[1] and would insert in lieu thereof two new titles as follows:

TITLE I—FINANCIAL ASSISTANCE TO STATES FOR LIBRARY SERVICES AND CONSTRUCTION

Section 101. Appropriations authorized

Subsection (a) of section 101 directs the Commissioner of Education to make grants to the States for the purposes set forth in section 103.

Subsection (b) of such section authorizes the appropriation of such sums as may be necessary for the fiscal year ending June 30, 1972 and for each of the four succeeding fiscal years.

Section 102. Allotments to States

Subsection (a) of section 102 directs the Commissioner to reserve up to 1 percent of the sums appropriated in a fiscal year for carrying out Title I, and to allot this amount among Guam, American Samoa, the Virgin Islands, and Trust Territory of the Pacific Islands, according to his determination of their needs. The remainder of such sums is to be allotted by the Commissioner by allotting $200,000 to each of the other States. 50 percent of the balance would be allotted among such States on the basis of relative number of families and unrelated individuals having an annual income of less than the low-income factor. 50 percent of such balance would be allotted among such States on the basis of relative proportion of the population. No State would receive less than its aggregate base year allotment, defined as the sum of allotments to a State under the Library Services and Construction Act for fiscal year 1971. The low-income factor would be the income level of the 25 per cent of the families and unrelated individuals in the United States who are in the lowest income range, as determined on the basis of the most recent satisfactory data available to the Commissioner, increased to the next higher multiple of one hundred dollars.

Subsection (b) of such section provides for reallotment authority.

Subsection (c) of such section provides that funds appropriated in any fiscal year shall be available for payments with respect to construction projects for that year and the succeeding fiscal year.

Section 103. Uses of Federal funds

This section provides that payments under the title may be used, for programs or projects for any of the following purposes: (1) extension of public library services to areas without such services or with inadequate services; (2) construction of new or improved public library facilities (with priority for projects in areas without library facilities); (3) establishment and maintenance of interlibrary cooperation programs; (4) establishment or improvement of State institutional library services; (5) establishment or improvement of library services to the physically handicapped; and (6) comprehensive planning for the above-mentioned programs.

[1] Section 2 of the Library Services and Construction Act contains a declaration of policy. Section 1 provides for citation of the Act.

Subsection (b) of such section would define "public library services" to mean library services furnished by a public library free of charge; "State institutional library services" to mean provision of library materials and services for inmates, patients, or residents of certain designated State supported or operated institutions, or students in residential schools for the physically handicapped operated or substantially supported by the State; and "library services to the physically handicapped" to include the provision of special services to physically handicapped persons certified as unable to read or to use conventional printed materials as a result of physical limitations.

Subsection (c) of such section would authorize use of funds appropriated for Title I for evaluation and dissemination activities. It would also allow use of funds for proper and efficient administration of a State plan, and for technical, professional, clerical, and other assistance for a State advisory council, if appointed by the Governor and broadly representative of professional library interests and library users in the State and if vested with appropriate advisory functions.

Section 104. State Plans and Programs.

Subsection (a) of section 104 provides that a State which desires to receive grants under the title for a fiscal year must submit, for approval of the Commissioner, a State plan for that year. Such plan would have to include satisfactory assurances with respect to the adoption of procedures for fiscal control and accounting, evaluation and dissemination, and coordination of programs. It would also include assurances with respect to reporting requirements, procedures upon approval or disapproval of applications, and opportunity to participate in programs. In addition, the State plan would have to provide, subject to section 204 of the Intergovernmental Cooperation Act, for the administration of the plan by the State library administrative agency. The plan would set forth criteria for determining the order of approval of applications in the State, including criteria designed to assure that in the approval of applications for the extension and improvement of public library services, priority will be given to programs or projects which serve areas with high concentrations of low-income families.

Paragraph (1) of subsection (b) of such section provides that the Commissioner shall not approve a plan unless such plan fulfills the conditions specified in subsection (a) and has, prior to its submission been made public and subjected to comment by interested persons.

Paragraph (2) of such subsection provides that the plan shall be made public as finally approved.

Paragraph (3) of such subsection provides that the Commissioner shall not finally disapprove a plan without first affording the State reasonable notice and opportunity for hearing.

Subsection (c) of such section provides that, in order to be eligible for assistance under the title, a State must adopt, in consultation with the Office of Education, a long-range program for carrying out the title covering a period of from three to five years, to be annually updated. Prior to its final adoption, such program must be made public and a reasonable opportunity must be afforded for comments thereon by interested persons. The program must be made public as finally adopted.

Section 105. Withholding.

This section provides that whenever the Commissioner, after notice and hearing, finds that a State plan has been so changed that it no longer complies with the title or that, in the administration of the plan, there is a failure to comply with any assurance or other provision of such plan, then the Commissioner shall make no further payments to the State or shall limit payments, as appropriate, until he is satisfied that there is no longer such failure to comply.

Section 106. Judicial Review.

This section provides for judicial review of final action by the Commissioner with respect to a State plan.

Section 107. Payments to States.

This section provides for payments to States of the Federal share of amounts expended by the States in accordance with the title.

Paragraph (1) of subsection (a) of section 107 directs the Commissioner to pay to a State, which complies with the plan and program requirements of section 104, from its allotment, an amount equal to the Federal share of the amount expended by the State and its political subdivisions during the applicable fiscal year for the uses referred to in section 103. With respect to administrative expenses, however, only the Federal share of the amount expended by the State will be paid.

Paragraph (2) of such subsection provides that payments may not be made to a State unless the Commissioner finds—

(A) that there will be available for expenditures from State or local sources during the applicable fiscal year (i) an amount sufficient to enable the State to receive payments of at least $200,000, and (ii) at least the total amount expended, in the areas covered by the plan, for public library services during the second preceding fiscal year; (B) that there will be available for expenditure for public library and State institutional library services from State sources during the applicable fiscal year not less than the total expended for such services from such sources in the second preceding fiscal year; and (C) that there will be available for expenditure for library services to the physically handicapped from non-Federal sources during the applicable fiscal year not less than the total actually expended for such services from such sources in the second preceding fiscal year.

Paragraph (3) of such subsection provides for methods of payment under the title.

Subsection (b) of such section provides that the "Federal share" for a State shall be 100 percent less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 percent as the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that the Federal share shall not be more than 66 percent or less than 33 percent, and, for Puerto Rico, Guam, American Samoa and the Virgin Islands, shall be 66 percent, and for the Trust Territory, 100 percent. However, if the State library administrative agency so requests, the Federal share shall be 50 percent.

Subsection (c) of such section provides for promulgation of the Federal shares by the Commissioner.

TITLE II—GENERAL PROVISIONS

Section 201. Evaluation.

This section provides that the Secretary of Health, Education, and Welfare may use up to 1 percent of the total appropriations under the Act for evaluation of authorized programs.

Section 202. Recovery of payments.

This section provides that if, within 20 years after construction of a facility for which Federal funds have been expended under the Act, the facility ceases to be used for the purposes for which it was constructed or the owner of the facility ceases to be a State or local library service agency, the United States shall be entitled to recover a pro rata share of the value of the property from the applicant or other owner.

Section 203. Labor standards.

This section applies the usual labor standards provision to construction assisted under the Act. Provision is made for waiver of this requirement in certain cases where services are voluntarily donated.

Section 204. Definitions.

This section defines for the purposes of this Act, the terms "State", "State library administrative agency," "public library," "construction" and "Secretary".

Section 4. Transitional provisions.

Subsection (a) of section 4 of the bill provides that amendments made by the Act shall be effective on July 1, 1971.

Subsection (b) of such section provides that during the fiscal year ending June 30, 1971, funds allotted to a State under the Library Services and Construction Act for any of the programs referred to in section 103 of that Act (as amended by this Act) and available for expenses of administration may, with the approval of the Commissioner, be used by the State for preparation of a State plan, for the development of a long-range program, and State advisory committee expenses, for purposes of the consolidated act for Fiscal Year 1972.

S. 3550—INTRODUCTION OF THE DAIRY NUTRITION AND INCOME ACT OF 1970

Mr. DOLE. Mr. President, I am introducing today a measure to combine several different legislative proposals concerning the production, marketing, and distribution of dairy products. The eight titles of the bill provide a permanent extension for several key dairy programs and will thereby give the guidance and dependability our dairy farmers deserve.

The number of milk producers has declined to what agricultural economists feel is a good basic level of producing units. In this area of agriculture, the remaining producers deserve the security and dependability this bill provides. These producers are some of the last 7-day workers, who perform their daily chores with unfailing regularity to provide the American public with one of the most nutritious foods available.

SCHOOL MILK PROGRAM

Enactment will provide for permanent extension of the school milk program which expires June 30. The program provides this nutritious food to our youth, regardless of their families' financial status. In this Nation today, many people suffer from malnutrition. We have programs to provide milk and other food to the poor and needy. Through the school milk program we will assure that all children will at least receive the nutrition milk can provide.

NINETY PERCENT PARITY FOR CURRENT YEAR

The bill provides for 90 percent parity milk price supports for the 1970–71 marketing year. Production is declining at the present 78.5 percent of parity. The dairy industry is fearful the decline in production will continue unless the price support level for milk is raised to 90 percent. Dairy farmers are faced with increasing costs as is the rest of the economy, but dairying is one of the areas in farming where labor is still an important factor. The daily routine of a dairy farm requires some assistance and the farm

wage rate is at an all-time high. Milk production in 1969 of 116.2 billion pounds is the lowest in 17 years.

PRIORITY ON CCC DAIRY STOCKS

Another title provides for the donation of Commodity Credit Corporation dairy products to needy persons through nutrition and child-feeding programs. This portion of the bill has been favorably passed in a similar bill, S. 2595, with much the same provision. I include this title in order to maintain a collective measure.

ARMED FORCES AND VETERANS HOSPITALS

The present authority for providing milk and dairy products to the Armed Forces and the veterans' hospitals expires December 31, 1970. This program is very effective in its utilization of dairy products acquired by the Commodity Credit Corporation and my proposal would make it permanent.

PESTICIDE INDEMNITY

Another valuable program to dairy producers which would be extended is the authority to reimburse dairy farmers for losses due to pesticide residues from sources outside their control. This program would expire June 30, 1970, and this bill will make it permanent. Since the program was initiated in 1964, approximately 400 producers have received compensation. The program provides an assurance of a minimal income while a producer is curing his animals of the contamination.

ELIMINATION OF BUTTER FAT SUPPORT PRICE

This bill will eliminate the support price on butterfat. The purpose of that provision was to support the price of cream marketed separately from milk. Since few farmers still market their milk production in this manner, removal of the support price on butterfat would allow the Secretary of Agriculture to adjust butter prices to be more competitive. With butterfat price supports removed, the farmer would receive price supports based on whole milk.

ESTABLISH AN IMPROVED CLASS I BASE PLAN

The proven and accepted class I milk base plan would be made permanent. This measure includes the language agreed to by the House Agriculture Committee late last year with one exception. It leaves out any change in the present appeal system.

It provides the foundation the dairy industry of our Nation needs to prosper and grow. In drafting this legislation, many fragments of proposals being considered at different levels of the Congress were included in hope of bringing all the facets of these worthwhile provisions into a cohesive unit. It will assure the dairy farmer we appreciate his efforts by establishing a permanent working base and encourage him to continue to provide this most nutritious food for us.

I would hope that after referral to the Senate Agricultural and Forestry Committee it will be considered as a comprehensive amendment to the overall omnibus farm bill which the Senate is now considering.

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

The bill (S. 3550) to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 3552—INTRODUCTION OF NEWSMEN'S PRIVILEGE ACT

Mr. McINTYRE. Mr. President, I am deeply disturbed by circumstances and conscious efforts that curb freedom of the press and harass and handicap journalists as they practice the traditional techniques of their occupation.

Earlier this year I introduced an initial piece of legislation to preserve and enhance freedom of the media and to serve the public with the full, free flow of information that is essential to the functioning of a democracy and is the public's implicit guarantee under the first amendment. I refer to my Independent Media Preservation Act, S. 3305.

Enactment of this bill, which would curb the growth of large newspaper chains and prohibit the joint ownership of press and broadcast facilities in the same community, is crucially needed if our citizens are to be protected in their right to full information and the broadest possible range of opinion.

I think it is interesting to note that this administration, which explains its continuing assaults upon the press with an expressed concern over media concentration, opposes my bill but supported a Newspaper Preservation Act which can only serve to facilitate and accelerate media concentration.

But, my primary conern today is another administration tactic, equally subversive of this basic constitutional right.

I refer to the recent wave of broad and sweeping subpenas which have issued from the Justice Department in an attempt to obtain confidential information in the hands of the working press.

If the Justice Department pursues its drive to get access to reporters' notes, correspondence, telephone call memoranda, and the like, what will be the practical effect on the news media of this country?

One effect will be to silence those thousands of Americans who have learned that a free press is a guarantor of liberties when sometimes even attorneys general and State and local prosecutors decline to act out of personal fear or political considerations. The Department is tapping sources that might never have talked if they had known that their stories would be turned over to the police and law departments for public display. It will be a sorry day for this country if Americans become afraid to talk to reporters.

A second effect—this on journalists of integrity—will be to discourage their use of confidential sources. No decent man will want to imperil the freedom and safety of men and women with whom he talks in pursuit of major stories or major investigations in the public interest.

And the net effect will be to stifle our free press at the very roots of its information-gathering system. As CBS newsman Walter Cronkite recently said when two news sources refused interviews because of the recent wave of subpenaes:

> We cannot function, and our people cannot be informed if we have to work under these conditions.

Attorney General Mitchell acknowledged recently that some Department subpenaes may have gone too far, and he gave his assurances that things would be different in the future. One cannot help but wonder whether these assurances will have any more substance than the Vice President's assurances that he is "not interested in censorship" as he continues to lambast certain elements of the Nation's press. I fear, in any event, that the damage has been done, irrespective of the Attorney General's future actions.

For the threat of subpenaes has had and will continue to have precisely the same effect as the issuance of the subpenaes themselves. We have already reached a situation where, in the absence of legislation, it would take many years of reassuring actions to remove the apprehensions already in the air.

Such legislation has been introduced in the House of Representatives. The gentleman from New York (Mr. OTTINGER), has introduced a "Newsman's Privilege Act," which would protect the confidential nature of a reporter's information and sources except in cases of a clearly overriding public interest, such as the prevention of libel, the proper functioning of grand jury proceedings, and the protection of our national security.

I have examined this bill and believe it would do much to protect the same values as I sought to protect when I introduced my Independent Media Preservation Act earlier this year. Indeed, it would be of no consequence to preserve a multiplicity of independent media voices if those voices would be prevented from functioning in the manner which the preservation of a truly free press requires.

Accordingly, I am introducing an identical bill in the Senate today. I believe it is essential that legislation of such importance receive the immediate attention of both Houses of Congress.

Mr. President, I introduce, for appropriate reference, a bill entitled "Newsmen's Privilege Act."

Mr. President, I also ask unanimous consent to have the bill and a section-by-section analysis printed at this point in the RECORD.

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

The bill (S. 3552) to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen, introduced by Mr. McINTYRE, 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. 3552

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 "Newsmen's Privilege Act".

NONDISCLOSURE OF CONFIDENTIAL INFORMATION

SEC. 2. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any Committee of Congress to disclose any confidential information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

NONDISCLOSURE OF SOURCE

SEC. 3. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any Committee of Congress to disclose the source of any information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

QUALIFICATIONS

SEC. 4. (a) The privilege conferred by section 2 shall not apply to any information which has at any time been published, broadcast, or otherwise made public by the person claiming the privilege.

(b) the privilege conferred by section 3 shall not apply—

(1) to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information; or

(2) to the source of any information concerning the details of any grand jury or other proceeding which was required to be secret under the laws of the United States.

(c) in any case where a person claims a privilege conferred by section 2 or 3, the person seeking the information may apply to the United States district court for an order divesting the privilege. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The order shall be granted if the court, after hearing the parties, determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage, or foreign aggression.

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

SECTION-BY-SECTION ANALYSIS OF "NEWSMEN'S PRIVILEGE ACT OF 1970"

SECTION 2.—NONDISCLOSURE OF CONFIDENTIAL INFORMATION

No newsman shall be required to disclose confidential information before any branch of the Federal government (courts, grand juries, departments, commissions, Congress). Newsmen shall include all individuals engaged in the gathering and presentation of news for newspapers, periodicals, press associations, newspaper syndicates, wire services, radio, or television. The difference between this bill and statutes in force in 15 states is that State laws protect only the source of information and not the information itself. The Act is drafted to include free-lance journalists as well as those regularly employed. Exceptions set forth in Section 4.

SECTION 3.—NONDISCLOSURE OF SOURCE

The same privilege against required disclosure of the source of a newsman's information before any Federal authority. Exceptions set forth in Section 4.

SECTION 4.—QUALIFICATIONS

Since the courts have consistently held that First Amendment rights are not absolute, and since legal groups studying this question have recommended qualifications on the privilege to safeguard the public interest, the following are generally recommended exceptions where the privilege may be denied.

Subsection 4(a) removes the privilege with regard to confidential information which has already been made public by the person claiming the privilege. In such cases, the newsman shall be deemed to have waived the privilege once the information is in the public domain.

Subsection 4(b)(1) The privilege shall not protect against disclosure of the source of allegedly defamatory information in any case where the defendant in a civil action for defamation asserts a defense based on the source of such information. The right of any person to claim personal damages through the courts is established in American jurisprudence, and there is no justification for removing responsibility for publishing libelous charges. The right of an individual not to be libeled overrides the benefit to the public of assertion of the privilege.

Subsection 4(b)(2) The privilege against disclosing the source of information is removed when details of a proceeding required by law to be kept secret are published, e.g., Federal grand juries and treaty hearings. The granting of a newsman's privilege is based on the public interest in maintaining a free flow of information to the press. However, the public interest in favor of disclosure overrides the privilege when publication of information clearly violates public policy codified in law.

Subsection 4(c) This section provides that a district court may, upon application, divest the privilege conferred in either Section 2 or 3 where the information in question has a direct bearing on a threat of foreign aggression. This interposition of a court between prosecutor and newsman provides a buffer against "fishing expeditions" by requiring the person seeking information to prove the existence of an overt threat of a takeover of the machinery of government. In the event of a genuine threat of this nature, obviously the public interest is not served by protecting a newsman's right to remain silent.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION—S. 1361

Mr. MILLER. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 1361, to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from the insurance benefits payable thereunder.

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

S. 2031

Mr. COTTON. Mr. President, I ask unanimous consent that at its next printing, the names of the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 2031, crediting of National Guard technician service in connection with civil service retirement.

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

Mr. MAGNUSON. Mr. President, I am pleased to ask unanimous consent that an additional 31 cosponsors be added to a bill I introduced in October of last year. The bill is the Federal Low-Emission Vehicle Procurement Act of 1969 (S. 3072) which requires the Federal Government to direct its purchasing power toward cars, trucks, and buses which produce little or no pollution. This bill, which will be brought up in the Commerce Committee in the morning, by creating a legislatively guaranteed market, of low-polluting vehicles, would stimulate their early development, production and distribution so that air pollution in the United States would be drastically reduced.

With the active support of some segments of the auto industry, innovative developers, the administration, and the following Senators, I look for early passage of this bill:

HOWARD H. BAKER, JR., BIRCH BAYH, ALAN BIBLE, J. CALEB BOGGS, EDWARD W. BROOKE, HARRY F. BYRD, JR., HOWARD W. CANNON, THOMAS F. EAGLETON, HIRAM L. FONG, MIKE GRAVEL, FRED R. HARRIS, PHILIP A. HART, DANIEL K. INOUYE, EDWARD M. KENNEDY, GALE W. MCGEE, THOMAS J. MCINTYRE, MIKE MANSFIELD, LEE METCALF, WALTER F. MONDALE, FRANK E. MOSS, GAYLORD NELSON, ROBERT W. PACKWOOD, CLAIBORNE PELL, CHARLES H. PERCY, JENNINGS RANDOLPH, JOHN SPARKMAN, WILLIAM B. SPONG, JR., TED STEVENS, JOSEPH D. TYDINGS, RALPH YARBOROUGH, and STEPHEN M. YOUNG.

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

S. 3215

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from North Carolina (Mr. JORDAN) be added as a cosponsor of S. 3215, to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for a permanent authorization for programs under such act.

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

S. 3353

Mr. KENNEDY. Mr. President, on behalf of the Senator from North Dakota (Mr. BURDICK), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3353, to require the Secretary of Agriculture to make part payment to producers under the wheat and feed grain programs in advance of determination of performance.

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

S. 3503

Mr. HART. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S.

3503, the Middle-Income Mortgage Credit Act.

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

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3522, the Motor Vehicle Disposal Act.

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

S.J. RES. 147

Mr. RANDOLPH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. GURNEY) be added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

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

SENATE RESOLUTION 364—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON RULES AND ADMINISTRATION TO DETERMINE THE EXTENT OF COMPLIANCE BY STANDING COMMITTEES WITH JURISDICTIONAL RULES OF THE SENATE

Mrs. SMITH of Maine (for herself, Mr. ANDERSON, Mr. GRIFFIN, Mr. MILLER, Mr. WILLIAMS of Delaware, and Mr. JAVITS) submitted a resolution (S. Res. 364) authorizing the Committee on Rules and Administration to determine the extent of compliance by standing committees with jurisdictional rules of the Senate, which was referred to the Committee on Rules and Administration.

(The remarks of Mrs. SMITH of Maine when she submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 365—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SPECIAL COMMITTEE ON JURISDICTIONAL RULES

Mrs. SMITH of Maine (for herself, Mr. ANDERSON, Mr. GRIFFIN, Mr. MILLER, Mr. WILLIAMS of Delaware, and Mr. JAVITS) submitted a resolution (S. Res. 365) to establish a temporary Special Committee on Jurisdictional Rules, which was referred to the Committee on Rules and Administration.

(The remarks of Mrs. SMITH of Maine when she submitted the resolution appear earlier in the RECORD under the appropriate heading.)

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 546

Mr. BAKER submitted an amendment, intended to be proposed by him, to the amendment No. 544, proposed by Mr. Scott 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 was ordered to lie on the table and to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on March 4, 1970, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2701. An act to establish a Commission on Population Growth and the American Future; and

S.J. Res. 180. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

NOTICE OF HEARING ON NOMINATION OF WILBUR F. PELL, JR.

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, March 12, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Wilbur F. Pell, Jr., of Indiana, to be a U.S. Circuit Judge, Seventh Circuit, vice John S. Hastings, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinant.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

HEALTH SERVICES IMPROVEMENT ACT OF 1970—S. 3443

Mr. JAVITS. Mr. President, I recently introduced on behalf of myself and Senators PROUTY, DOMINICK, MURPHY, SCHWEIKER, SAXBE, and SMITH of Illinois—all the Republican members of the Labor and Public Welfare Committee—and Senators SCOTT, BROOKE, and GOODELL, the administration's bill entitled the "Health Services Improvement Act of 1970," S. 3443.

In view of the great interest expressed in this legislative proposal, which represents an important initiative by the Federal Government designed to improve the quality and availability of health care in our Nation, I ask unanimous consent that a section-by-section analysis of S. 3443 be printed in the RECORD.

There being no objection the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

The enacting clause states that the Act may be cited as the "Health Services Improvement Act of 1970."

SECTION 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Amends Title IX of the Public Health Service Act substituting in lieu of its present provisions a revised "Title IX—Planning, Organization and Delivery of Health Services."

SECTION 900. FINDINGS AND PURPOSES

This section sets forth the general and specific purposes of the title:

Section 900(a) Declares that attainment of the highest level of health for every person at reasonable cost depends upon the improved organization and delivery of health services; that improved organization and delivery of health services depends on an effective partnership among those who provide health and medical care services, government at all levels, and the consumers of health services; and that Federal assistance should be directed toward these purposes.

Section 900(b) Enumerates the purposes of the major programs included in the title:

(1) to encourage and assist in the establishment and support of regional medical programs providing regional cooperative arrangements for improving the quality, distribution and efficiency of health services.

(2) to encourage and assist in the establishment and support of comprehensive health planning agencies at the State and areawide levels which will examine the relationship between health needs and the distribution and utilization of health resources, and to assist in training health planners.

(3) to promote establishment of more efficient and effective health service systems and assure coordination of programs under this title with other Federal and other health programs, with particular attention to the relationship between improved organization and delivery of health services and the financing thereof.

(4) to assist in the support of State programs of public health services, the initial support of new health services, and the support of health services meeting particular needs.

(5) to provide support for research and development (including demonstrations and training) related to improving the organization, financing, and delivery of health services, and

(6) to provide support for experiments and demonstrations in the integration and coordination of the programs authorized by this Title, and appropriate related programs, leading to the development of improved health systems extending high quality health care to all.

SECTION 901. NATIONAL ADVISORY COUNCIL

This section provides for the establishment of the National Advisory Council on the Planning, Organization and Delivery of Health Services:

Section 901(a). Provides that the Council shall have 24 members, appointed by the Secretary, who shall be selected from among leaders in the fields of the fundamental sciences, the medical sciences, the organization, delivery and financing of health care, or who are State or local officials, or who are active in consumer affairs, or who are representatives of minority groups.

Section 901(b). Provides that the Council will (1) advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the coordination of programs thereunder with programs authorized under other parts of the Public Health Services Act, or under the Social Security Act, or other Federal programs, and the annual review of the grants made to determine their effectiveness in carrying out the purposes of the title.

Section 901(c). Authorizes the Secretary to make appropriate provision for consultation between and coordination of the work of the Council, the Federal Hospital Council, the Health Insurance Benefits Council, the Medical Assistance Advisory Council and other appropriate National Councils.

Section 901(d). Provides for four year term on the Council, and other provisions relating to appointment on the Council and the rotation of terms.

Section 901(e). Provides for compensation and reimbursement of expenses for Council members.

SECTION 902. AUTHORIZATION OF APPROPRIATIONS

This section would authorize appropriations for the programs contained in the Title.

Section 902(a). Authorizes for the next three fiscal years such sums as may be necessary for grants and contracts under Part A (Regional Medical Programs) and provides for two-year availability of such appropriations.

Section 902(b). Authorizes for the next three fiscal years such sums as may be necessary for grants and contracts under Part B (Comprehensive State and areawide health planning and public health services).

Section 902(c). Authorizes for the next three years such sums as may be necessary to carry out the other provisions of the Title, including grants, contracts and technical assistance with respect to cooperative planning and experimentation related to organizing and developing health care systems.

Part A—Regional medical programs: This part sets forth the terms and conditions for grants for planning and establishing regional medical programs.

Section 911. Definitions. Contains the definitions applicable to regional medical programs contained in the present Section 902, except that the term "regional medical programs" is amended to substitute "diseases and impairments of man" (in accordance with regulations) as the authorized subjects of RMP arrangements in place of the prior categorical listing of "heart disease, cancer, stroke and related diseases" and except for requiring, as one of the programs' activities, in appropriate cases, developing and demonstrating systems for organizing and delivering medical care.

Section 912. Planning. This section authorizes grants for planning regional medical programs and is substantially similar to present Section 903, except that the requirement for approval of applications by the National Advisory Council on regional medical programs is deleted and a number of existing grant conditions are moved into new Section 914. The present Section 903(b)(4) provision relating to the composition of Regional Advisory Groups is broadened to include public or nonprofit private health agencies and areawide health planning agency representation on such groups, as well as health financing interest and representatives of poor and minority groups.

Section 913. Establishment and Operation. This section continues the present provisions of Section 904 authorizing grants for the establishment and operation of regional medical programs except that some of the grant conditions common to both planning and operational grants have been transferred to the new Section 914. The section also adds a requirement that the applicant undertake satisfactory efforts to obtain support of the program from non-Federal sources and Federal sources reimbursing for health care of beneficiaries, after a period of initial support to be prescribed by regulations.

Section 914. General Conditions. This section lists those grant conditions which were listed in both prior Sections 903 and 904 and adds a requirement concerning review and comment on applications by the appropriate State health planning agency and areawide health planning agency.

Section 915. Information on Resources. This section changes the current requirements on the establishment and maintenance of lists and information of special treatment and training resources to remove the categorical limitations of heart disease, cancer, stroke and related diseases and refer instead to disease and impairments of man and to call for information on trends in equipment, staffing, and services and the distribution of facilities. It also permits the Secretary to provide for such lists or information through grants or contracts.

Section 916. Multiprogram Services and Clinical and Field Studies. This section adds to the present provisions of Section 910 contract authority for the conduct of cooperative clinical and field studies and demonstrations relating to systems for organizing and delivering medical care and other RMP activities.

Part B—Comprehensive State and Areawide Health Planning and Public Health Services: This section contains the provisions currently comprising Section 314 of the Public Health Service Act with several amendments.

Section 921(a). State Plans for Comprehensive State Health Planning.

Paragraph (1) continues the single State agency requirement of present Section 314(a)(2)(A).

Paragraph (2), in continuing the requirement in Section 314(a)(2)(B) for a State health planning advisory council, adds to its membership representation of regional medical programs and specifies that the consumer majority shall include representatives of the poor and minority groups.

Paragraphs (3) to (8) continue requirements previously contained in Section 314(a)(2)(C) to (G) regarding policies for expenditure of funds; encouragement of cooperative efforts among various groups concerned; assurance that grant funds will supplement and not supplant State funds; appropriate methods of administration, reporting to the Secretary, and periodic review of the State plan for comprehensive health planning.

Paragraph (9), the provision for assistance by the State comprehensive agency to health care facilities contained in Section 314(a)(2)(I) is continued and a provision is added for consultation with areawide comprehensive health planning agencies or organizations.

Paragraphs (10) and (11) continue the present provisions of Section 314(a)(2)(J) and (K) respecting fiscal control and fund accounting procedures and additional information and assurances.

Section 921(b). State Allotments. Paragraphs (1), (2), and (3) continue, respectively, the provisions for (1) State allotments determined on the basis of population and per capita income, (2) reallotment of unrequired amounts, and (3) payment of the Federal share of expenditures, which shall not exceed 75 per cent, except that the 2-year availibility of the allotments has been eliminated.

Section 922. Project Grants for Areawide Health Planning. The authority for grants to public or nonprofit private organizations for areawide comprehensive health planning presently contained in Section 314(b) is continued, and in addition, authority is given for grants to State comprehensive health planning agencies to allow them to provide assistance in the development of comprehensive health plans with respect to areas not otherwise supported by areawide grants. Grant support under this section is limited to no more than 75 per centum of project cost.

Section 922(b) adds a new requirement for establishment, to advise the recipient of the grant, of areawide comprehensive health planning councils representative of governmental and nongovernmental health agencies and organizations, including Regional Medical Programs, and a majority of representatives of consumers, including representation of the poor and minority groups.

Section 923. Training, Studies and Demonstrations. This section adds to the present authority contained in Section 314(c) to make grants for training, studies, and demonstrations aimed at improving comprehensive health planning the additional authority to enter into contracts for these purposes.

Section 924. State Plans for Comprehensive Public Health Services. The authorization of grants to the States for comprehensive public health services, as provided in present Section 314(d), is continued in this section. Subsection (b) indicates requirements of State plans, with continuing provisions concerning administration by the State health and mental health authorities; policies and procedures for expenditure of funds; assurances concerning the use of funds; methods of administration; annual review of State plans; reports to the Secretary; and fiscal control and accounting. Paragraph (3) adds a new requirement that the plan indicate the relationship of the activities included to the total health program of the State, including programs concerning financing of medical care. In addition to continuing the requirement that services under the plan will be in accordance with plans developed by the State comprehensive health planning agency, Paragraph (11) provides that the Secretary may require approval by the State comprehensive health planning agency when the Governor certifies its readiness to perform that function.

Subsections (c), (d), (e), and (f) continue the provisions of Section 314(d) with regard to State allotments, payments to States, Federal share, determination of Federal share, and allocation of funds within the States.

Section 925. Health Service Development. Authorization is continued for project grants for services to meet health needs of limited geographic scope or of special regional significance and for developing and supporting for an initial period new services. Grants may include costs of training related to either type of health service and amortization of facility loans. The requirements contained in present Section 314(e) that projects be in accordance with State comprehensive health planning is replaced by a requirement for comment upon and recommendations concerning applications by areawide comprehensive health planning agencies supported under Section 922 or in the absence of such an agency, another performing similar functions. Comments and recommendations must have been considered before the application is formally submitted. In addition, reasonable assurance would be required that the recipient of a grant for an initial period for new services will make efforts to secure financing after this period from other non Federal sources and Federal sources reimbursing for medical care.

Section 926. Withholding of Payments. This section continues the provisions made in present Section 314(g)(3) for withholding payments, after notice and opportunity for a hearing, to a State receiving formula grant assistance for planning or public health services for failure to comply with either the statute, the applicable State plan, or the regulations. Other provisions of Section 314(g) are moved into Part D of title IX as generally applicable to the programs contained in the title.

Part C. Health Facilities and Services Research and Demonstration. This part continues unchanged the provisions of the Act presently contained in Section 304, authorizing grants and contracts for research, experiments, demonstrations and training in the organization, utilization and financing of health resources, including experimental construction, equipment development and testing, and health manpower education and utilization.

Part D. General.

SECTION 941. DEFINITIONS

This section provides definitions applicable to title IX:

Section 911(a). Defines the term "State" to include Puerto Rico, Guam, American Samoa, the trust territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

Section 911(b). Defines the term "Council" to mean the National Advisory Council on the Planning, Organization and Delivery of Health Services.

Section 911(c). Defines the term "nonprofit".

Section 942. Grants of Equipment Supplies and Services. This section would permit the Secretary, at the request of any recipient of a grant or contract under this title, to reduce the payments to such recipient by the fair market value of any equipment or supplies furnished to such recipient and by the amount of pay, allowances, traveling expenses and any other costs in connection with the detail of an officer or employee to the recipient.

SECTION 943. JOINT FUNDING

Section 943(a) authorizes, pursuant to regulations prescribed by the Secretary, the designation of one administrative unit within the Department to act for all in administering the funds advanced when a single project receives funds from more than one source within the Department. In such cases, a single non-Federal share or participation requirement may be established according to the proportion of funds advanced under each authorization and any such administrative unit may waive any technical grant or contract requirement which is inconsistent with the similar requirements of the administering unit.

Section 943(b) authorizes, pursuant to regulations prescribed by the President, the designation of one Federal agency to act for all in administering the funds advanced when a single project receives funds from more than one agency. The same rules on non-Federal share and waiver of technical requirements would apply as in subsection (a).

Section 944. Transfer of Funds. This section authorizes the Secretary to transfer up to ten percent of the amount appropriated or allocated from any appropriation under this title—other than the amounts appropriated for formula grants under sections 921 or 924—for the purpose of carrying out any other such program or activity under this title, with the stipulation that no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than ten percent.

Section 945. Annual Report. Requires the Secretary, after consultation with the Council, to transmit to Congress an annual report of the activities under this title, together with (1) an evaluation of the effectiveness of these activities in improving the efficiency and effectiveness of the delivery of health services and in carrying out the other purposes of this title, (2) a statement of the relationship between Federal and non-Federal financing, including efforts by the grantees to develop alternate sources of financing after an initial period of support, and (3) recommendations with respect to modifications of this title.

Section 946. Regulations. The Secretary is authorized, after consultation with the Council, to prescribe regulations relating to the general administration of this title and the terms and conditions for approving applications for assistance thereunder, and relating to methods for the coordination of programs assisted under this title with other Federal health programs.

Section 947. Records and Audit. This section requires the maintenance of records by project grant recipients by the Secretary or Comptroller General and for access to grantee's records and books for audit purposes. However, the Secretary and Comptroller General are to assure protection of the confidentiality of information secured during the doctor-patient relationship.

Section 3. Cooperative Systems of Health Information and Statistics. This section amends Section 305 of the Public Health Service Act as follows:

Section 305(a) is amended to broaden the scope of the National Health Survey by adding three provisions relating to (1) health care resources, (2) environmental and social health hazards, and (3) family formation, growth, and dissolution. A provision is also added prohibiting the disclosure of information obtained for statistical purposes, except upon conditions established in regulations of the Secretary, and prohibiting the publication of identifiable information except with the consent of the persons or establishment supplying it.

Section 305(b) is a new provision authorizing, directly or by contract, the undertaking of research, development, demonstration and evaluation relating to the design and implementation of a cooperative Federal-State local health information and statistics system.

Section 4. Conforming Amendments. This section strikes out present sections (a), (b), (c), (d), (e), and (g) of section 314 of the Public Health Service Act, and redesignates and restructures paragraph (f) as a new section 314. The stricken provisions are substantially transferred to Parts B and D of title IX. The section also repeals Section 304, which is transferred to Part C of title IX.

Section 5. Effective Date. This section provides that the provisions of title IX as modified shall apply with respect to allotments or grants made from appropriations for Fiscal Year 1971 and to contracts entered into after June 30, 1970.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, Mr. BETTS has been designated as a member of the Joint Committee on Internal Revenue Taxation, to fill the existing vacancy thereon.

The message announced that the House had passed the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, and it was signed by the Acting President pro tempore.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I be permitted to proceed for 8 minutes.

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

THE PRESIDENT'S BUDGET FOR FISCAL 1971

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss the budget as submitted by the President for fiscal 1971.

This so-called unified budget claims a surplus of $1.3 billion; however, as I shall point out, this surplus is based on the false assumption that the surplus accumulated in the various trust funds, amounting to $8.7 billion, can be counted as though it were normal revenue. This is a misleading accounting practice, which, was first adopted by the Johnson administration, and I regret very much that it is being perpetuated by the present administration. It serves but one purpose; and that is, to deceive the American people as to the true cost of Government.

These trust funds, such as social security, railroad retirement, unemployment taxes, and so forth, do not represent monies belonging to the U.S. Government. They represent collections from the employer and the employees, and the Federal Government acts solely as a trustee, and under the law they cannot be spent to defray the normal operating costs of the Government.

When these trust funds are eliminated from the computation—assuming all other factors are approved as recommended—instead of a surplus of $1.3 billion there is a deficit in 1971 of $7.3 billion. To confirm this point I call attention that in the budget a notation is made that there will be a request for an increase in the national debt—estimated between $8 and $10 billion—in order to finance this deficit. Furthermore, even to hold this deficit to $7.3 billion would be contingent upon a series of assumption that may or may not materialize.

First, there is projected a $1.2 billion increase in receipts resulting from administrative action to speed up the collection of withheld income taxes and excise taxes. This is a one-shot nonrecurring item.

Second, it is contingent upon a series of congressional actions such as increasing first-class postage rates to 7 cents effective April 1, eliminating or reducing a series of existing programs including special milk program, reduction of school assistance in impacted areas, postponement of pay increases for Federal employees, reductions in veterans benefits, sale of certain assets including the Alaskan railroads, and so forth.

The following is a more detailed analysis of the 1971 budget, supported by a series of six tables. I ask unanimous consent that these six tables, to which I shall be referring, be incorporated in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WILLIAMS of Delaware. Mr. President, the budget for fiscal 1971 calls for a surplus of $1.3 billion on a unified basis. As table 1 shows, this narrow surplus is dependent on a substantial surplus in trust funds, amounting to about $8.7 billion. On a Federal funds basis the 1971 budget shows a deficit of $7.3 billion.

Table 2 shows that the surplus in the trust fund area comes primarily from the social security and health insurance programs; however, a significant contribution to the surplus in the unified

budget is also made by the Federal employees retirement funds and the highway trust fund.

It is by no means certain that the narrow budget surplus, even on a unified budget basis, will actually be achieved. Receipts in the budget are, of course, necessarily based on forecast of economic levels in the coming year. More specifically, the budget assumes that in calendar 1970 the gross national product will rise to $985 billion and personal income to $800 billion, while corporate profits before taxes will fall to $89 billion. Our staff has not yet prepared its estimates of these items for 1970, and it may well be that the economic assumptions on which the estimates of budget receipts rests will prove to be highly accurate. It may be pertinent to note, however, that a number of economic analysts are forecasting substantially lower levels of economic activity for the coming year than is assumed in the budget. For example, some of the more pessimistic forecasters predict that in calendar year 1970 the gross national product will rise to less than $970 billion and personal income to less than $785 billion and that corporate profits will fall below $85 billion. If the level of economic activity for the entire fiscal year 1971 were to persist at such relatively low levels receipts could be as much as $6 billion below the amount shown in the budget.

The surplus shown in the budget is also dependent on the enactment of a number of proposed measures designed to increase revenue by $1.6 billion annually. Failure to adopt these measures would reduce or eliminate the surplus. Table 3 shows the specified proposed legislation, including new user charges—shown in detail in table 4—extension of the excise tax rate on automobiles and telephones, and increases in the social security wage base and in railroad retirement revenues. In addition, the $1.3 billion budget surplus assumes a $1.2 billion increase in receipts from administrative action to speed up the collection of withheld income taxes and excise taxes.

The budget also assumes that in fiscal 1971 the Post Office will receive $1.174 million of additional revenue—$674 million from new legislation to increase the first-class mail rate effective April 1, 1970, to 7 cents an ounce, and $500 million from "additional actions now under study."

In addition, the budget contains an item of $800 million in receipts from offshore oil revenues which are in dispute between the Federal Government and the State of Louisiana and which are now being held in escrow—this $800 million is contained in two separate items entitled "rent on Outer Continental Shelf lands" and "royalties on Outer Continental Shelf lands" which appear on page 556 of the budget in table 12, "Offsetting receipts by type."

In considering the outlook for a budget surplus in fiscal 1971 it should be remembered that there is a strong tendency for actual expenditures to considerably exceed expenditures estimated in the budget. For example, the budget for fiscal 1970, submitted by President Johnson under the prior administration, estimated total Federal expenditures for 1970 at $195.3 billion.

Early last year both the President and the Congress were pledged to reduce spending for fiscal 1970 at a level not to exceed $192.9 billion. This goal has now been abandoned and the most recent estimate presented by the present administration is that Federal spending will reach $197.9 billion in fiscal 1970.

Another reason actual budget outlays may exceed budget estimates is that the budget contemplates program cutbacks or changes that the Congress frequently may very well not accept. For example, the budget proposes the termination of the special milk program, reduction in Federal aid to impacted areas, receipts of $751 million from the sale of stockpile commodities, and $159 million in cutbacks of services and benefits for veterans—all areas which have involved controversy in the past. Table 5 shows several of these proposed program reductions which may not be realized.

The $1.3 billion surplus also assumes the postponement of Federal pay increase beyond the usual July date to January 1, 1971, for a saving of $1.4 billion in fiscal 1971.

National defense outlays are projected to decline $5.8 billion in the coming fiscal year—from $79.4 billion in fiscal 1970 to $73.6 billion in fiscal 1971. Changes in the international situation could, of course, affect defense spending.

In fiscal 1971 expenditures for interest on the public debt are projected at $19 billion, or $200 million higher than in fiscal 1970. Refunding operations and the investment in Government securities of substantial surplus receipts of trust funds will involve substantial additional interest costs in fiscal 1971. A large part of these additional interest costs, however, is offset in the budget by the assumption that interest rates will be significantly lower in fiscal 1971 than in fiscal 1970. The precise decline in interest rates that is anticipated is not spelled out in the budget, but the projections appear consistent with an assumption that interest rates will drop one or two percentage points. Should this decline in interest rates not occur expenditures for interest on the public debt could be as much as $2 billion more than the figures projected in the budget for fiscal 1971.

Moreover, to some degree the surplus in the 1971 budget is due to the fact that some large expenditure items which were previously included in the budget are now outside the budget. For example, Federal budgetary expenditure for fiscal 1971 are shown at a lower level than would otherwise be the case because the Federal National Mortgage Insurance Association became an independent agency on September 30, 1968. As a result, outlays by this institution no longer come within the budget. This represents a substantial change since the estimated outlays for FNMA for fiscal 1971 are shown as $4,351 million—see appendix to the Budget, page 1069. Prior to the time FNMA became an independent institution such outlays would have been shown as budget expenditures.

Finally, in evaluating the prospects for keeping budget expenditures under control in the future it should be noted that the 1971 budget provides a number of new and expanded programs whose costs will balloon in the next few years. As table 6 indicates, the present budget calls for spending $3 billion more in fiscal 1971 than in fiscal 1970 for the family assistance program, control of air and water pollution, the open-space program, crime reduction, revenue sharing, food assistance, transportation, and manpower training. The budget estimates that outlays for the expansion of these programs will reach $18 billion in fiscal 1975—see "The Budget for Fiscal Year 1971," page 59.

Inflation is still the Nation's No. 1 domestic problem, and thus far our Government—neither the Congress nor the executive branch—is facing up to the hard decisions necessary for its control. Slight-of-hand bookkeeping practices, as initiated by the Johnson administration and as is being perpetuated under this administration, has lulled the American people into a false sense of financial security, which makes even more difficult the problem of holding Government expenditures in line.

In my opinion, under the present mood of Congress, which thus far has insisted on increasing rather than reducing expenditures, I can foresee but one result; and that is, a sizable deficit for fiscal 1971.

EXHIBIT 1

TABLE 1.—BUDGETARY EXPENDITURES AND RECEIPTS FOR FISCAL YEAR 1971 FOR FEDERAL FUNDS, TRUST FUNDS, AND TOTAL

[Dollars in millions]

	Federal funds	Trust funds	Intergovernmental transaction	Total
Expenditures	154,936	55,440	−9,605	200,771
Receipts	147,600	64,107	−6,605	202,103
Surplus (+) or deficit (−)	−7,336	+8,667	.....	+1,331

Source: "Special Budget Analysis," p. 19.

TABLE 2.—OUTLAYS AND RECEIPTS OF TRUST FUNDS FISCAL YEAR 1971

[In millions of dollars]

Trust fund	Outlays	Receipts	Surplus (+) deficit (−)
Federal old-age and survivors insurance	30,794	33,444	+2,650
Federal disability insurance	3,397	5,006	+1,609
Health insurance	8,774	9,829	+1,055
Unemployment insurance	3,818	3,950	+132
Railroad retirement accounts	1,816	1,854	+38
Federal employees retirement funds	3,226	4,643	+1,417
Highway trust fund	4,395	5,613	+1,218
Foreign military sales	955	980	+25
Veterans life insurance	754	795	+41
Other trust funds (nonrevolving)	273	271	−2
Trust revolving funds	−484	.....	+484
Interfund transactions	−580	−580	.....
Proprietary receipts from the public	−1,698	−1,698	.....
Total	55,440	64,107	+8,667

Source: "Budget in Brief," p. 70.

TABLE 3.—*Fiscal year 1971*

[In billions of dollars]

Increase in receipts under proposed legislation:	
User charges:	
Highways	0.3
Aviation services	.4
Total	.7
Extension of excise tax rates on automobiles and telephones to December 31, 1971	.6
Increase in social security wage base from $7,800 to $9,000 January 1, 1971	.2
Increase in railroad retirement revenues	.1
Total	1.6
Increase in receipts from administrative action to speed up collection of withheld income taxes, social security taxes, and excise taxes:	
Income taxes and social security taxes	.7
Excise taxes	.5
Total	1.2

Source: "The Budget of the United States Government," pp. 66–67.

TABLE 4.—*Revenue effect of user charge proposals* [1]

[In millions of dollars]

Transportation:	*1971 Estimate*
Highways:	
Increase in diesel fuel tax	$122
Graduated use tax	137
Total	259
Aviation services:	
Increase in passenger ticket tax	245
Increase in general aviation gasoline tax	34
General aviation jet fuel tax	18
Waybill tax on air freight	44
International departure tax	29
Total	[2] 370
Other	24
Total	653

[1] Excludes charges that are offset against expenditures of the programs to which they apply.

[2] The FAA estimate of receipts from the aviation services taxes as passed by the House and reported by the Senate Finance Committee is approximately $330 million, or $40 million less than the revenue from the Administration's proposal.

Source: "The Budget of the United States Government, Fiscal Year 1971," pp. 66–70 and 71.

TABLE 5.—*Selected budget outlay savings from terminations, restructuring and reforms, fiscal year 1971*

[In millions]

PROGRAM TERMINATION	
Agriculture:	
Special milk program	$64
Conservation (cost sharing)	66
Total	130
Commerce: Sale of Alaska railroad	100
Total program termination	230
PROGRAM RESTRUCTURING	
Defense: Sale of stockpile commodities	751
Education and health:	
Reduction in school assistance to federally affected areas	196
Greater efficiency in Medicaid [1]	215
Total	411
Veterans' benefits and services: Reduction in pensions, burial benefits, and payments for arrested tuberculosis; interest rate on policy loans and require reimbursement from private health insurers for treatment of policyholders	159
General government: District of Columbia financing—substitution of local bonds and grants for loans	54
Total selected program restructuring	1,375
Total selected program termination and restructuring	1,605

[1] Legislation limiting Federal matching share for extended care to discourage long-term residential care and revising reimbursement standards to encourage more efficient use of resources and discourage abuse (Budget, p. 157).

Source: "The Budget of the United States Government," pp. 52–56.

TABLE 6.—INCREASE IN BUDGET OUTLAYS IN FISCAL 1971 FOR NEW AND EXPANDED PROGRAMS

[In millions of dollars]

Program	1970 estimate	1971 estimate	Change 1970–71
Family assistance program		500	+500
Control of air and water pollution, and increased parks and open spaces	785	1,115	+330
Crime reduction	947	1,257	+310
Revenue sharing		275	+275
Food assistance	1,514	2,278	+764
Transportation	7,019	7,487	+468
Manpower training	1,368	1,720	+352
Total	11,633	14,632	+2,999

Source: "The Budget, Fiscal Year 1971," page 17.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BYRD of Virginia. I feel the Senator from Delaware has once again, as he has so many times, rendered a great service to the Senate and to the Nation in summarizing so well the Nation's financial problems.

Did I understand the Senator from Delaware to say that it is possible or probable that the interest on the national debt might be $2 billion more than the $18 billion that is in the budget?

Mr. WILLIAMS of Delaware. If projected it would be, assuming that there is no general reduction in interest rates. The assumption that interest charges on the national debt will increase only $200 million in the fiscal year 1971 is on the premise the interest rates will drop at least 1, if not 2, percentage points during fiscal 1971—something which we hope will materialize but which thus far has not developed.

I might say that I think one of the most constructive steps the administration could take in relieving pressure on interest rates would be to reduce Government deficits and thus remove the necessity of the Government's going out of the money market and borrowing $8 billion to $10 billion to finance the operating costs of our Government. I have always taken the view that money is a commodity, that interest is the price of the commodity, and that when the demand for it is greater than the supply, naturally the price, or interest rates, rise.

I think the Government, the States, the cities, and the individuals have been extending their debts beyond all reason within the last few years, and I regret to say the Federal Government has been leading the parade.

Mr. BYRD of Virginia. It was only 3 years ago, as I recall, that the interest on the national debt was $14 billion. In the current budget, if I remember the figure accurately—I do not have it before me—it is $18 billion.

Mr. WILLIAMS of Delaware. That is correct.

Mr. BYRD of Virginia. So it has gone up $4 billion in that relatively short period of time.

Then, as the Senator points out, unless there is a reduction in interest rates—and there is no great evidence that there will be a substantial reduction in interest rates any time soon—the interest charges to the Government are likely to go up another $1 billion, or possibly even $2 billion.

Mr. WILLIAMS of Delaware. That is correct. That could be the result of two developments: First, the outstanding Government bonds which are maturing during this period are lower coupon bonds and are having to be refinanced at higher interest rates. That is one factor that increases it. The second is that we are operating the Government even now at an average deficit of $700 million a month. That is in excess of $8 billion a year.

I might point out that our national debt today is over $372 billion, or $9 billion more than it was just 1 year ago. At present rates of interest it is costing about $600 million a year just to pay the interest on the annual accumulation of our debt in this Government.

I think it is time that we in Congress and those in the executive branch downtown, both of whom are responsible for this, restrain Government spending and at least try to bring the expenditures of this Government within its income.

Mr. BYRD of Virginia. I concur.

The PRESIDING OFFICER. The additional time of the Senator from Delaware has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have 4 additional minutes.

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

Mr. BYRD of Virginia. During the 4-month period of November and December 1968 and January and February of 1969, the Federal Government sold $23.4

billion in short-term Government obligations. I am wondering if the Senator from Delaware has the comparable figure for the period November and December of 1969 and January and February of 1970, as compared with the figure of $23.4 billion of a year ago.

Mr. WILLIAMS of Delaware. No. I think it is about the same, because our deficit was running about the same.

Unfortunately, Congress has insisted on, and the Treasury Department has gone along with maintaining a fictitious ceiling on long-term Government bonds at 4¼ percent. Supposedly it is a symbol of the desire for lower interest rates, but we cannot finance the Government on long-term Government bonds at 4¼ percent. We have not been able to do it for years. The result is that our national debt has been financed and refinanced on a short-term basis, which means we have monetized the national debt. That is not only costing billions in extra interest charges but it is creating a highly inflationary situation.

For years I have unsuccessfully proposed legislation to remove that fictitious ceiling. Because of our failure to correct this law we have not sold long-term Government bonds for the past several years, and we will not until interest rates get below that level; and if they get below it we will not need a ceiling.

Mr. BYRD of Virginia. I share the Senator's feeling about the so-called unified budget. It seems to me that by using the unified budget process and the unified budget figures, the American people do not really have a true impression as to what is our financial situation.

I am concerned, also, that we would lump into this figure the trust funds, mainly, as the Senator from Delaware pointed out, the social security funds and highway funds. These are funds that must be held in trust for a specific purpose.

Social security funds, in particular, must be inviolate, because that money has been paid in by the employer and employee to take care of the employee when he retres in his old age.

I feel that we have a very deep obligation to those social security beneficiaries to be certain that their funds are completely safeguarded.

I have some apprehenson when we throw all those funds into one big pot and call it a unified budget and say we will have a surplus of $1 billion, under the unified budget concept. The fact is that the trust funds will have a surplus of $8 billion, but the general fund will have a deficit of $7 billion. It is only by utilizing the trust fund that the Government will be able to say it will have a small surplus of $1 billion.

Mr. WILLIAMS of Delaware. That is correct. I am glad that the Senator from Virginia emphasizes the point that I made before. I denounced this new bookkeeping procedure when it was first initiated by the preceding adminstraton, and I have repeatedly said I do not like it any better under this administration. It serves but one purpose and one purpose only; and that is, to deceive the American people as to the true cost of operating our Government. Many constituents have spoken with Members of Congress and have asked why we should cut back on this program or that program, which they think is highly meritorious, when we are operating with a surplus. They ask why it is necessary to cut back when the Government has a surplus. But we are not operating the Government with a surplus—we are operating at a deficit averaging nearly $800 million a month. It has been at that rate for the past year or two, as is evidenced by the fact that our national debt has been increasing at a rate of $8 billion or $9 billion a year.

Why should we need to borrow money to finance a surplus in the Federal treasury? That is ridiculous. The phoney bookkeeping policy should be changed.

In the campaign of 1968 most of us criticized the preceding administration for carryng out the same kind of bookkeeping system which the Nixon administration is now tryng to perpetuate. I still say it is wrong.

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, first I commend the distinguished Williams-Byrd duet for showing their usual concern and their nonpartisanship, or bipartisanship, regardless of adminstration, in bringing home to the rest of us the facts and figures as they really are covering the budget and the national debt.

May I say that I am pleased at the efforts of the Nixon administration to bring about further reductions, as announced recently, and may I say also that I am equally pleased with the record of the Senate, which this fiscal year has already made cuts in this fiscal year's defense budget of something on the order of $5.6 billion. That is contained in the 1970 appropriation analysis; and I hope that the administration and Congress in tandem will continue to reduce expenditures on the one hand and appropriations on the other.

So, again, my commendations to both distinguished Senators, who are carrying on a tradition which is not of recent origin, but extends over several decades.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

RETURN ADDRESSES, PLEASE

Mr. MANSFIELD. Mr. President, one of the basic duties of a congressional office is the receipt of and response to constituent mail. This is one way in which we can keep in touch with the people we represent and it is a reasonably good indication as to how they may feel on a particular issue.

Last week I received many letters and cards from what I assume are residents of Missoula, Mont., expressing their views on a variety of legislative matters. There were approximately 150 communications, all signed and postmarked Missoula, Mont., but not one single return address. They definitely were not form letters because they commented on issues such as the voting rights legislation, the Carswell Supreme Court nomination, taxes, integration, Vietnam, and extension of the Office of Economic Opportunity programs. Because these matters are very current, I would like to be able to respond to these letters, but it is impossible to do so under these circumstances. I checked very carefully to see if there might be one address, but I could not find one. The only indication was one reference to the views being expressed by an organization of some 600 people.

I am taking this means of stating to these people in Missoula, as well as to any of my constituents, that I welcome their comments and recommendations and welcome an opportunity to respond. However, in this case, it is impossible.

EXECUTIVE ASSISTANT PROGRAM

Mr. MANSFIELD. Mr. President, the honorary business professional fraternity, Alpha Psi Kappa, at Eastern Montana College, Billings, Mont., has just recently adopted a very impressive and worthwhile program. They have established the executive assistant program, which provides in each academic year a week of indepth training for 10 outstanding students as executive assistants in cooperating Montana companies.

This program is a successful attempt in closing the gap between the students and the business community. This program is financed and administered entirely by the school with contributions from the local business firms. I believe that the college and the businessmen of Billings are to be highly complimented for developing this program—one which is self-sustaining and does not require Federal funds.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated February 25, 1970, written by Dave Robinson, president of Alpha Psi Kappa at Eastern Montana College, together with several items enclosed therewith. This is a program other communities might well consider.

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

EASTERN MONTANA COLLEGE,
Billings, Mont., February 25, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: The news media are today justifiably concentrating much of their attention on our nation's—and indeed, the world's—colleges and universities. Violent and immediate change—the overthrow of the "establishment"—as exemplified by takeovers, riots and blatant insurrection, extolled by campus protagonists who have gained national attention, have seemingly created an "era of dissension." But—many claim that the news media are guilty of error by omission.

The members of Eastern Montana College's Alpha Psi Kappa, honorary business professional fraternity, have conceived of, promot-

ed, and implemented a course of study of such worth as to support this contention. Called the "Executive Assistant Program," the course will provide, each academic year, a week of in-depth training for ten outstanding students as executive assistants in cooperating Montana companies. The course is fully accredited by Eastern Montana College and is applicable towards graduation. The enclosed packet of information will give you full details.

The most compelling aspect of the "Executive Assistant Program" is that it was created totally by members of Alpha Psi Kappa with the full and beneficial cooperation of the administration of Eastern Montana College and the Billings business community. From its conception through the organizing, legal work, and promotion to both Eastern Montana College's administration and concerned businesses, the students alone were responsible. Through their efforts the economic opportunities of Montana will be graphically demonstrated and, as a residual effect, two $500 scholarships will be created through the contributions of the concerned companies.

Alpha Psi Kappa and the Business Department of Eastern Montana College take pride in this program and its conceptual uniqueness. We take pride also in this opportunity to present the "Executive Assistant Program" to you with the hope that it is as intriguing to you as it is dynamic to us. Should you desire further information, please contact us at your convenience and we will be honored to explain in detail the total implications of this unique project.

Sincerely yours,

DAVE ROBINSON,
President, Alpha Psi Kappa.

EASTERN MONTANA COLLEGE,
Billings, Mont., December 15, 1969.

Alpha Psi Kappa, the business honorary fraternity at Eastern Montana College, has set up the framework for a unique course—the Executive Assistant Program.

This packet contains complete information about the program and its purposes. The student presenting this packet will be happy to answer any questions you may have. We hope you will give serious consideration to this program and its value to your business, the student, and the business community.

Sincerely yours,

DAVE ROBINSON,
President, Alpha Psi Kappa.

PEOPLE MAKE THE DIFFERENCE

The members of Alpha Psi Kappa, honorary business fraternity at Eastern Montana College, believe that people working together in the spirit of cooperation and understanding can accomplish much that can be of benefit to all. It was in this spirit of cooperation and understanding that Alpha Psi Kappa was organized in 1966 by Professor Chapman and business students at Eastern.

Since its inception, Alpha Psi Kappa has been an active organization of students desiring to overcome the barrier of inadequate communication between students and adults. Alpha Psi Kappa has for the past two years co-sponsored with the Midland National Bank the "Midland Empire Economic Conference for Young Adults." The conference gives high school students, college students, educators, and businessmen the opportunity to discuss economic problems that are of mutual interest. In addition, the conference is designed to increase the student's understanding of the free enterprise system. Perhaps, the greatest achievement of the conference has been that a dialog has been started between students and business leaders which has fostered a greater desire for cooperation. Because of past experience and our continuing desire to increase cooperation and understanding between the business community and the student community, Alpha Psi Kappa has undertaken another step toward improving that relationship.

Alpha Psi Kappa has, through the Business Department at Eastern Montana College, established an Executive Assistant Seminar. Those students participating in the program will receive college credit as they would in any college course. Because of this project, Alpha Psi Kappa will be able to award two $500 scholarships to members of the fraternity. This program was conceived and implemented by students who firmly believe that educators and businessmen are anxious to assist students in projects that can be of benefit to all. It is because of this belief that we the students come to you the business leaders and ask for your participation.

While cooperation and understanding are lofty ideals that we continually strive for, we must at the same time strive for practical goals. You as a businessman may ask . . . What benefit can this program be to my business? Montana has a continuing need to retain its college educated men and women. In the past this has not been an easy task for businesses in Montana. Perhaps firms can't compete with out-of-state firms in compensation; or it could be that firms can't afford aggressive recruiting policies. For whatever reasons, retaining college educated men and women for Montana is just another way of conserving one of our resources. What greater resource can there be? You as a businessman may have the opportunity to retain a part of these resources by observing these students for yourself. In the event you feel that the student would be an asset to your firm, nothing would preclude your hiring this student upon graduation for a Montana firm. We feel it is a worthwhile program—one with which all of us can be proud to be associated.

People do make the difference . . . wouldn't you agree?

STANLEY E. HOGGART,
Vice-President, Alpha Psi Kappa.

ALPHA PSI KAPPA SCHOLARSHIP

INTRODUCTION

This scholarship is to award two $500 grant-in-aid scholarships each year at the EMC Annual Awards Convocation to two members of Alpha Psi Kappa (Business honorary). Funding of the scholarships and eligibility for their receipt are explained below.

ELIGIBILITY

Eligibility to receive a scholarship will be based on the following criteria:

1. Membership in Alpha Psi Kappa for at least 2 quarters.
2. A minimum cumulative GPA of 2.5 overall.
3. Indication of financial need.
4. The recipient must plan to take 15 credit hours during the time the scholarship is received.
5. The recipient must retain a major in Business while receiving the scholarship.

Applications will be submitted to Mr. John Self, Executive Director, Eastern Montana College Educatonal Foundation.

FINANCING AND AWARDING PROCEDURES

The scholarships will be financed through funds received from Montana businesses according to their agreements with Alpha Psi Kappa fraternity. Fraternity members will spend one week with those busineses as executive assistants. As compensation, the businesses will each donate $100 to the EMC Educational Foundation and earmark these donations for financing the Alpha Psi Kappa scholarships. The scholarships will be awarded to the recipients in the amount of $150, $150, and $200 at the beginning of Fall, Winter, and Spring quarters respectively.

Student evaluation

The student will be graded in the following manner. First, an evaluation form will be completed by each of the student's supervisors in the business and returned to the Business Department for use by a faculty member in assigning a letter grade. Second, a faculty member will determine a course grade on the basis of the following:

A. The evaluation forms received from the business.

B. An outline of daily activities to be received from the student.

C. A term paper—content, length, and form to be determined by faculty member-student consultation.

D. A final report from the student to include his evaluation of the work experience received particularly in relation to its meeting or failing to meet his expectations.

E. Any background studies that the faculty director deems advisable.

Course evaluation

At the completion of the course, provision will be made to give an opportunity for participants to evaluate the program for future changes. Letters will be solicited from businessmen and faculty members participating. A meeting will be planned at which all participants will discuss and evaluate the program.

PROPOSAL FOR INDEPENDENT STUDY IN BUSINESS

Title

Bu 491, Independent Study: Executive Assistant Program

Objectives

The objective of the course is to give the outstanding student an opportunity to see the application of business principles learned in various business and economic courses:

A. The application of management concepts.

B. The operation of sales departments.

C. Approaches to advertising and public relations.

D. The investment and expansion philosophies of local businesses.

E. Familiarization with bank operations.

It can also be expected that the student will gain valuable exposure to work routines of the business community and consequently evaluate his suitability for particular types of work.

Credit

4 credit hours

Eligibility

The following criteria must be met to be eligible for the Seminar:

A. Junior or Senior standing.

B. Completion of at least 20 credits in courses applying to the major in Business.

C. A cumulative grade point average of 2.5.

Prospective participants will submit to the Business Department a job application and résumé including scholastic background and work experience. Class composition will be determined the quarter prior to the Seminar. Participants will be chosen by the Business Department faculty on the basis of suitability as indicated in the application and recommended to the Head of the Business Department for final approval.

Course description

Class members will each be assigned to work as an executive assistant with a Montana business firm. Pairings will be based on interests of each particular student as reflected in the job application and resume, and in light of the job descriptions received from businesses. The student will work with the firm for at least five days or 40 working hours. Each business will sign an agreement with the Business Department of Eastern Montana College which will include the following:

A. Departments the student will work in.

B. Supervisors to whom the student will be assigned.

C. Work or activities expected of the student while with the firm.

D. Method of compensation to the EMC Educational Foundation.

E. Travel expenses and other compensation given directly to the student.

F. Insurance liability in case of student injury.

LOWERING THE VOTING AGE TO 18 BY STATUTE—SUPPORT OF PAUL FREUND AND ARCHIBALD COX

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of amendment No. 545 to lower the voting age to 18, which was introduced yesterday by the distinguished majority leader, Senator MANSFIELD.

As Members of the Senate know, I believe that Congress had adequate power under the Constitution, in light of the Supreme Court's decision in 1966 in Katzenbach against Morgan, to lower the voting age by statute, and that we need not necessarily pursue the route of constitutional amendment. Last week, I circulated among my colleagues memorandum on the legal and policy issues involved in this question, and I ask unanimous consent that the memorandum may be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. In addition, it is worth emphasizing that the authority of Congress to act by statute in this area is supported by two of the most eminent constitutional authorities in America. Both Prof. Paul Freund, the dean of the Nation's constitutional lawyers, and Prof. Archibald Cox, who served with distinction as the Solicitor General of the United States under President Kennedy and President Johnson, have unequivocally stated their view that Congress has power under the Constitution to reduce the voting age by statute, without the necessity of a constitutional amendment.

Professor Freund's views were originally stated in an address in June 1968. Professor Cox's views were originally stated in an article in the Harvard Law Review in November 1966, and were amplified in his eloquent testimony last month before the Subcommittee on Constitutional Rights.

Mr. President, because of the importance of this constitutional issue, I ask unanimous consent that Professor Freund's address and Professor Cox's recent testimony also be printed in the RECORD at the conclusion of my remarks.

I also ask unanimous consent that an editorial from today's Washington Post supporting the principle of 18-year-old voting be printed in the RECORD.

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

(See exhibits 2, 3, and 4.)

Mr. KENNEDY. In closing, let me emphasize my strong belief that no action we take on 18-year-old voting should be permitted to interfere with the current consideration of the Voting Rights Act or delay its enactment by the Senate or the House. Continuation of the provisions of the existing Voting Rights Act are essential to promote the fairness of the political process in America, and to alleviate the unfair discrimination in voting and other basic rights that have long existed against millions of black Americans and other minority groups in our society.

EXHIBIT 1

(Memorandum of Senator KENNEDY on lowering the voting age to 18, February 23, 1970)

The time has come to lower the voting age to 18 in the United States, and thereby to bring our youth into the mainstream of the political process. I believe this is the most important single principle we can pursue as a nation if we are to succeed in bringing our youth into full and lasting participation in our institutions of democratic government. In recent years, a large number of Senators have expressed their support for lowering the voting age to 18. In particular, I commend Senator Jennings Randolph and Senator Birch Bayh for their extraordinary success in bringing this issue to the forefront among our contemporary national priorities. For nearly three decades, Senator Randolph has taken the lead in the movement to extend the franchise to our youth. Senator Bayh's extensive hearings in 1968 helped generate strong and far-reaching support for the movement, and his hearings this month have given the issue even greater momentum. The prospect of success is great, and I hope that we can move forward to accomplish our goal.

In this memorandum, there are three general areas I would like to discuss. The first part deals with what I believe are the strong policy arguments in favor of lowering the voting age to 18. The second part deals with my view that it is appropriate for Congress to achieve its goal by statute, rather than follow the route of Constitutional amendment. The third part deals with the constitutional power of Congress to act by statute in this area.

I. THE MINIMUM VOTING AGE IN THE UNITED STATES SHOULD BE LOWERED TO 18

Members of the Senate are well aware of the many substantial considerations supporting the proposal to lower the voting age to 18 in the United States, and I shall do no more than summarize them briefly here.

First, our young people today are far better equipped to make the type of choices involved in voting than were past generations of youth. Because of the enormous impact of modern communications, especially television, our youth are extremely well informed on all the crucial issues of our time, foreign and domestic, national and local, urban and rural. Today's 18 year-olds possess far better education than former generations. Our 18 year-olds, for example, have unparalleled opportunities for education at the high school level. Our 19 and 20 year-olds have significant university experience in addition to their high school training. Indeed, in many cases, 18 to 21 year-olds already possess a better education than a large proportion of adults among our general electorate.

Moreover, 18 year-olds today are a great deal more mature and more sophisticated than former generations at the same stage of development. Indeed, through issues like Vietnam and the quality of our environment, and through their participation in programs like the Peace Corps and Vista, our youth have taken the lead on many important questions. They have set a far-reaching example of insight and commitment for us to emulate.

Obviously, the maturity of 18 to 21 year-olds varies from person to person, just as it varies for all age groups in our population. However, on the basis of our broad experience with 18 to 21 year-olds as a class, I believe they possess the requisite maturity, judgment, and stability for responsible exercise of the franchise.

Second, by lowering the voting age to 18, we will encourage civic responsibility at an earlier age, and thereby promote greater social involvement and political participation for our youth.

In 1963, President Kennedy's Commission on Registration and Voting Participation expressed its deep concern over the low voting participation in the 21–30 year old bracket. It attributed this low participation to the fact that: "by the time they have turned 21 . . . many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

We know that there is already a high incidence of political activity today on campuses and among young people generally, even though they do not have the franchise. None of us who has visited a high school or college in recent years can fail to be impressed by their knowledge and commitment.

I do not agree with the basic objection raised by some that the recent participation of students in violent demonstrations shows that they lack responsibility for mature exercise of the franchise. Those who have engaged in such demonstrations represent only a small percentage of our students. It would be extremely unfair to penalize the vast majority of students because of the reckless conduct of the few.

I believe that both the exercise of the franchise and the expectation of the franchise provide a strong incentive for greater political involvement and understanding. By lowering the minimum voting age to 18, we will encourage political activity not only in the 18 to 21 year-old group, but also in the pre-18 year-old age group as well. Through extension of the franchise, therefore, we will enlarge the meaning of participatory democracy in our society. We will give our youth a new arena for their idealism, activism, and energy.

Third, 18 year-olds already have many rights and responsibilities in our society comparable to voting. It does not automatically follow of course—simply because an 18 year-old goes to war, or works, or marries, or makes a contract, or pays taxes, or drives a car, or owns a gun, or is held criminally responsible like an adult—that he should thereby be entitled to vote. Each right or responsibility in our society presents unique questions dependent on the particular issue at stake. Nonetheless, the examples I have cited demonstrate that in many important respects and for many years, we have conferred far-reaching rights on our youth, comparable in substance and responsibility to the right to vote. Can we really maintain that it is fair to grant them all these rights, and yet withhold the right that matters most, the right to participate in choosing the government under which they live?

The well-known proposition—"old enough to fight, old enough to vote"—deserves special mention. To me, this part of the argument for granting the vote to 18 year-olds has great appeal. At the very least, the opportunity to vote should be granted as a benefit in return for the risks an 18 year-old is obliged to assume when he is sent off to fight for his country. About 30% of our forces in Vietnam are under 21. Over 19,000, or almost half of those who have died in action there, were under 21. Can we really maintain that these young men did not deserve the right to vote?

To be sure, as many critics have pointed out, the abilities required for good soldiers are not the same abilities required for good voters. Nevertheless, I believe that we can accept the logic of the argument without making it dispositive. A society that imposes the extraordinary burden of war and death on its youth should also grant the benefit

of full citizenship and representation, especially in sensitive and basic areas like the right to vote.

In the course of the recent hearings I conducted on the draft, I was deeply impressed by the conviction and insight that our young citizens demonstrated in their constructive criticism of our present draft laws. There are many issues in the 91st Congress and in our society at large with comparable relevance and impact on the nation's youth. They have the capacity to counsel us wisely, and they should be heard at the polls.

Fourth, our present experience with voting by persons under 21 justifies its extension to the entire nation. Lowering the voting age will improve the overall quality of our electorate, and will make it more truly representative of our society.

I have already stated my feeling that 18 to 21-year-olds possess adequate maturity for responsible use of the franchise. Equally important, by adding our youth to the electorate, we will gain a group of enthusiastic, sensitive, idealistic and vigorous new voters.

Today, four states—Georgia since 1943, Kentucky since 1955, and Alaska and Hawaii since they entered the Union in 1959—grant the franchise to persons under 21. There is no evidence that the reduced voting age has caused any difficulty whatever in the states where it is applicable. In fact, former governors Carl Sanders and Ellis Arnall of Georgia have testified in the past that giving the franchise to 18-year-olds in their states has been a highly successful experiment.

Moreover, a significant number of foreign nations now permit 18 year-olds to vote. Even South Vietnam allows eighteen year-olds to vote. I recognize that it may be difficult to rely on the experience of foreign nations, whose political conditions and experience may be quite different from our own. It is ironic, however, that at a time when a number of other countries have taken the lead in granting full political participation to 18 year-olds, the United States, a nation with one of the most well-developed traditions of democracy in the history of the world, continues to deny that participation.

I am aware that many arguments have been advanced to prevent the extension of the franchise to 18 year-olds. It may be that the issue is one—like woman suffrage in the early nineteen hundreds—that cannot be finally resolved by reason or logic. Attitudes on the question are more likely to be determined by an emotional or a political response. It is worth noting, however, that almost all of the arguments now made against extending the franchise to 18 year-olds were also made against the 19th Amendment, which granted suffrage to women. Yet, no one now seriously questions the wisdom of that Amendment.

There is, of course, an important political dimension to 18 year-old voting. As the accompanying table indicates, the enfranchisement of 18 year-olds would add approximately ten million persons to the voting age population in the United States. It would increase the eligible electorate in the nation by slightly more than 8%. If there were dominance of any one particular party among this large new voting population, or among subgroups within it, there might be an electoral advantage for that party or its candidates. As a result, 18 year-old voting would become a major partisan issue, and would probably not carry in the immediate future. For my part, I believe that the risk is extremely small. Like their elders, the youth of America are of all political persuasions. The nation as a whole would derive substantial benefits by granting them a meaningful voice in shaping their future.

The right to vote is the fundamental political right in our constitutional system. It is the cornerstone of all other basic rights. It guarantees that our democracy will be government *of* the people and *by* the people, not just *for* the people. By securing the right to vote, we help to insure, in the historic words of the Massachusetts Bill of Rights, that our government "may be a government of laws, and not of men." Millions of young Americans have earned that right, and we must respond.

II. THE FEDERAL GOVERNMENT SHOULD ACT TO REDUCE THE VOTING AGE TO 18 BY STATUTE, RATHER THAN BY CONSTITUTIONAL AMENDMENT

I believe not only that the reduction of the voting age to 18 is desirable, but also that Federal action is the best route to accomplish the change, and that the preferred method of Federal change should probably be by statute, rather than by Constitutional amendment.

In the past, I have leaned toward placing the initiative on the States in this important area, and I have strongly supported the efforts being made in many states, including Massachusetts, to lower the voting age by amending the State Constitutions.

Progress on the issue in the States has been significant, even though it has not been as rapid as many of us had hoped. The issue has been extensively debated in all parts of the nation. Public opinion polls in recent years have demonstrated that a substantial and increasing majority of our citizens favor extension of the franchise to 18-year-olds.

In light of these important developments, the time is ripe for Congress to play a greater role. Perhaps the most beneficial advantage of action by Congress is that it would insure national uniformity on this basic political issue. Indeed, the possible discrepancies that may result if the issue is left to the states are illustrated by the fact that of those few states which have already lowered the voting age below 21, two—Georgia and Kentucky—have fixed the minimum voting age at 18. The other two—Alaska and Hawaii—have fixed the age at 19 and 20 respectively. Left to state initiative, therefore, the result is likely at best to be an uneven pattern of unjustifiable variation.

Federal action on the voting age is therefore both necessary and appropriate. The most obvious method of Federal action is by amending the Constitution, but it is not the only method. As I shall discuss in greater detail in the third part of my statement, I believe that Congress has the authority to act in this area by statute, and to enact legislation establishing a uniform minimum voting age applicable to all States and to all elections, Federal, State and local.

The decision whether to proceed by constitutional amendment or by statute is a difficult one. One of the most important considerations is the procedure involved in actually passing a constitutional amendment by two-thirds of the Congress and three-fourths of the State legislatures. The lengthy delay involved in the ratification process would probably make it impossible to complete the ratification of a Constitutional amendment before many years have elapsed.

It is clear that Congress should be slow to act by statute on matters traditionally reserved to the States. Where sensitive issues of great political importance are concerned, the path of Constitutional amendment tends to insure wide discussion and broad acceptance at all levels—Federal, State and local—of whatever change eventually takes place. Indeed, at earlier times in our nation's history, a number of basic changes in voting qualifications were accomplished by Constitutional amendment.

At the same time, however, it is worth emphasizing that in more recent years, changes of comparable magnitude have been made by statute, one of the most important of which was the Federal Voting Rights Act of 1965. Unlike the question of direct popular election of the President, which is also now pending before us, lowering the voting age does not work the sort of deep and fundamental structural change in our system of government that would require us to make the change by pursuing the arduous route of Constitutional amendment.

Because of the urgency of the issue, and because of its gathering momentum, I believe that there are overriding considerations in favor of Federal action by statute to accomplish the goal. Possibly, it may be appropriate to incorporate the proposal as an amendment to the bill now pending in the Senate to extend the Voting Rights Act. Indeed, if enough support can be generated, it could be possible for 18 year-olds to go to the polls for the first time this fall—November 1970.

We know that there is broad and bipartisan support for the principle of 18 year-old voting. A total of 67 Senators have already joined in support of Senator Randolph's proposed constitutional amendment to accomplish the change. Last week, the Administration gave its firm support to the principle. I am hopeful that we can proceed to the rapid implementation of our goal.

At the same time, however, we must insure that no action we take on 18 year-old voting will interfere with the prompt consideration of the pending Voting Rights bill or delay its enactment by the Senate. The bill is scheduled to become the pending business of the Senate on the first day the Senate meets after March 1, and we must guarantee that its many important provisions are enacted into law at the earliest opportunity.

III. CONGRESS HAS THE CONSTITUTIONAL POWER TO ACT BY STATUTE TO LOWER THE VOTING AGE TO 18

The historic decision by the Supreme Court in the case of *Katzenbach* v. *Morgan* in June 1966 provides a solid constitutional basis for Congress to act by statute rather than by constitutional amendment to reduce the voting age to 18. This power exists not only for Federal elections, but for state and local elections as well.

The issue in the *Morgan* case was the constitutionality of Section 4(e) of the Voting Rights Act of 1965. The section in question, which originated as an amendment sponsored by Senator Robert Kennedy and Senator Jacob Javits, was designed to enfranchise Puerto Ricans living in New York. The section provided, in effect, that any person who had completed the sixth grade in a Puerto Rican school could not be denied the right to vote in a Federal, State or local election because of his inability to pass a literacy test in English. By a strong 7–2 majority, the Supreme Court sustained the constitutionality of the section. Seen in perspective, the *Morgan* case was not a new departure in American constitutional law. Rather, it was a decision characterized by clear judicial restraint and exhibiting generous deference by the Supreme Court toward the actions of Congress.

As we know, Congress in this century has twice chosen to proceed by constitutional amendment in the area of voting rights. The Nineteenth Amendment, ratified in 1920, provided that a citizen of the United States could not be denied the right to vote on account of sex. The Twenty-Fourth Amendment, ratified in 1964, provided that a citizen could not be denied the right to vote in Federal elections because of his failure to pay a poll tax.

Nevertheless, in spite of this past practice, *Katzenbach* v. *Morgan,* and other decisions by the Supreme Court demonstrate that those particular amendments are in no way limitations on Congress' power under the constitution to lower the voting age by statute, if Congress so chooses.

The authority of Congress to act by statute is based on Congress' power to enforce the Fourteenth Amendment by whatever legislation it believes is appropriate. To be sure, the Constitution grants primary authority to the states to establish the conditions of eligibility for voting in Federal elections. Under these provisions, the voting qualifications established by a state for members of the most numerous branch of the state legislature also determine who may vote for United States Representatives and Senators.

It has long been clear, however, that a State has no power to condition the right to vote on qualifications prohibited by other provisions of the constitution, including the Fourteenth Amendment. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

The Supreme Court has specifically held that the Equal Protection Clause of the Fourteenth Amendment itself prohibits certain unreasonable state restrictions on the franchise. In *Carrington* v. *Rash*, the Court held that a State could not withhold the franchise from residents merely because they were members of the armed forces. And, in *Harper* v. *Virginia Board of Elections*, the Court held that a state could not impose a poll tax as a condition of voting.

The power of Congress to legislate in the area of voting qualifications, as well as in many other areas affecting fundamental rights, is governed by Section 5 of the Fourteenth Amendment, which provides that:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

In other words, Congress is given the power under Section 5 to enact legislation to enforce the Equal Protection Clause, the Due Process Clause, and all the other great provisions of the Fourteenth Amendment.

Prior to the Supreme Court's decision in the *Morgan* case, the extent of Congress' power under Section 5 to preempt State legislation was unclear, unless that legislation was itself invalid under the Equal Protection Clause or other clauses of the Constitution. In the *Morgan* case, however, the Supreme Court explicitly granted broad power to Congress in this area. It sustained Section 4(e) of the Voting Rights Act as a valid exercise by Congress of its power to enforce the Fourteenth Amendment, even though as recently as 1959 the Court had held in a North Carolina test case that literacy tests were not unconstitutional on their face.

In essence, the *Morgan* case stands for the proposition that where state and Federal interests conflict under the Equal Protection Clause, Congress has broad power to resolve the conflict in favor of the Federal interest. As the Court itself stated:

"It was for Congress . . . to assess and weigh the various conflicting consideration—the risk of pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected . . . It is not for us to review the congressonal resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did."

In other words, with respect to granting the vote to 18 year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age-group. If Congress concludes that the justification in favor of extending the franchise outweighs the justification for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds.

In fact, the Supreme Court's holding in the *Morgan* case is consistent with a long line of well-known decisions conferring broad authority on Congress to carry out its powers granted by the Constitution. Thus, in the *Morgan* case, the Court gave Section 5 the same construction given long ago to the Necessary and Proper Clause of the Constitution by Chief Justice John Marshall in the famous case of *McCulloch* v. *Maryland*, which was decided by the Supreme Court in 1819. In the historic words of Chief Justice Marshall in that case:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

In the *Morgan* case the Supreme Court applied the test of John Marshall and upheld Section 4(e) of the Voting Rights Act for two separate and independent reasons. First, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to enable the Puerto Rican community in New York to gain more favorable treatment in such public services as schools, housing, and law enforcement.

Second, the Court said, Congress could reasonably have found that Section 4(e) was well adapted to eliminate the unfairness against Spanish-speaking Americans caused by the mere existence of New York's literacy test as a voter qualification, even though legitimate state interests supported the test.

I believe that legislation by Congress to reduce the voting age can be justified on either ground of the *Morgan* decision. If Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18-year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional.

It is clear to me that such a basis exists. *First*, Congress could reasonably find that the reduction of the voting age to 18 is necessary in order to eliminate a very real discrimination that exists against the nation's youth in the public services they receive. By reducing the voting age to 18, we can enable young Americans to improve their social and political circumstances, just as the Supreme Court in the *Morgan* case accetped the determination by Congress that the enfranchisement of Puerto Ricans in New York would give them the sort of political power they need to eliminate discrimination and inequities in the public services they receive, and to give them a role in influencing the laws that protect and affect them. Although 18–21 year-olds are not subject to the same sort of discrimination in public services confronting Puerto Ricans in New York, the many discriminations worked against millions of young Americans are no less real in our society. We know, for example, that increasing numbers of Federal and State programs, especially in areas like education and manpower, are directed toward our youth. We can no longer discriminate against them by denying them a voice in the political process that shapes these programs.

Equally important, a State's interest in denying the right to vote to 18–21 year-olds is not as substantial as its interest in requiring literacy in English, the language of the land. Yet, in the *Morgan* case, the Supreme Court made it unmistakably clear that Congress had the power to override the State interest. Surely, the power of Congress to reduce the voting age to 18 is as great.

Second, Congress could reasonably find that the disenfranchisement of 18–21 year-olds constitutes on its face the sort of unfair treatment that outweighs any legitimate state interest in maintaining a higher age limit, just as the Supreme Court in the *Morgan* case accepted the determination that the disenfranchisement of Puerto Ricans was an unfair classification that outweighed New York's interest in maintaining its English literacy test. Of course, there are obvious similarities between legislation to reduce the voting age and Section 4(e) of the Voting Rights Act. Just as Congress has the power to find that an English literacy test is on its face discriminatory against Spanish-speaking Americans, so Congress has the power to find discrimination in the fact that young Americans who fight and work like other citizens are denied the right to vote, the most basic right of all. The *Morgan* decision is a sound precedent for us to eliminate this inequity in all elections—Federal, State and local—and I believe that Congress should act without delay.

It is worth emphasizing that no issue is raised here concerning the power of Congress to reduce the voting age even lower than 18. Essentially the sole focus of the current debate over the voting age is on whether *18 year-olds* should be entitled to vote. There is a growing national consensus that they deserve the franchise, and I feel that Congress has the power to act on that consensus.

The Constitutional position I have stated is supported by eminent legal authorities. Professor Archibald Cox of the Harvard Law School, the distinguished former Solicitor General of the United States, has recognized and approved the breadth of the decision in *Katzenbach* v. *Morgan*. As an example of Congress' power under the *Morgan* case, Professor Cox has expressly written that Congress has the power to reduce the voting age by legislation, without a Constitutional amendment.

If a statute to reduce the voting age is enacted, it should include a specific provision to ensure rapid judicial determination of its validity, in order that litigation challenging the legislation may be completed at the earliest possible date. Similar expediting procedures were incorporated in the Voting Rights Act of 1964.

In closing, it is worth calling attention to the fact that essentially the same arguments I have made here for action by statute to lower the voting age must also be made by the present Administration if it is to justify two of the most important provisions it is now proposing in its amendments to the Voting Rights Act:

First, the Administration is proposing a nationwide ban on the use of state literacy tests as a qualification for voting.

Second, the Administration proposes to reduce the length of state residence requirements as a qualification for voting in Presidential elections.

Surely, the constitutional power of Congress to override State voting qualifications is as great in the case of age requirements as in the case of literacy requirements or residence requirements. So far as I am aware, the Administration's proposals in the area of literacy or residency have encountered no substantial opposition on constitutional grounds. Both proposals were incorporated as amendments to the Voting Rights Act in the bill passed by the House of Representatives late last year, and they are now pending before the Senate. If Congress has the authority to act by statute in these areas, it also has the authority to act by statute to lower the voting age to 18. I am hopeful, therefore, that we can achieve broad and bipartisan agreement on the statutory route to reach our vital goal of enlarging the franchise to include 18 year-olds.

TABLE—ESTIMATE OF THE TOTAL POPULATION THAT WOULD BE ENFRANCHISED BY LOWERING THE VOTING AGE TO 18

Region or State	Total resident population of voting age under current law	Population casting votes for President 1968		Increase in voting population by lowering to 18	
		Number	Percentage	Number	Percentage
United States	120,006,000	73,160,223	61.0	9,778,000	8.1
Regions:					
Northeast	30,405,000	19,235,522	63.3	2,277,000	7.4
North Central	32,405,000	22,202,472	67.7	2,686,000	8.1
South	32,781,000	19,140,276	52.1	3,011,000	8.1
West	20,048,000	12,581,953	62.8	1,804,000	8.9
Northeast:					
New England	7,000,000	4,824,398	68.9	559,000	7.9
Middle Atlantic	23,405,000	14,411,124	61.6	1,718,000	7.3
North Central:					
East North Central	23,234,000	15,698,346	67.6	1,896,000	8.1
West North Central	9,547,000	6,504,126	68.1	789,000	8.2
South:					
South Atlantic	17,901,000	9,412,984	52.6	1,432,000	7.9
East South Central	7,776,000	3,992,760	51.3	539,000	6.9
West South Central	11,095,000	5,734,532	51.7	1,041,000	9.3
West:					
Mountain	4,491,000	2,888,452	64.3	438,000	9.7
Pacific	15,557,000	9,693,501	62.3	1,366,000	8.7
New England:					
Maine	582,000	392,936	67.5	53,000	9.1
New Hampshire	424,000	297,190	70.0	36,000	8.4
Vermont	246,000	161,403	65.6	21,000	8.5
Massachusetts	3,361,000	2,331,699	69.4	264,000	7.8
Rhode Island	561,000	384,938	68.6	49,000	8.7
Connecticut	1,825,000	1,256,232	68.8	137,000	7.5
Middle Atlantic:					
New York	11,731,000	6,790,066	57.9	854,000	7.2
New Jersey	4,412,000	2,875,396	65.2	328,000	7.4
Pennsylvania	7,261,000	4,745,662	65.4	536,000	7.3
East North Central:					
Ohio	6,238,000	3,959,590	63.5	522,000	8.3
Indiana	2,957,000	2,123,561	71.8	249,000	8.4
Illinois	6,605,000	4,619,749	69.9	507,000	7.6
Michigan	4,965,000	3,306,250	66.6	419,000	8.4
Wisconsin	2,469,000	1,689,196	68.4	198,000	8.0
West North Central:					
Minnesota	2,091,000	1,588,340	76.0	174,000	8.3
Iowa	1,650,000	1,167,539	70.8	130,000	7.8
Missouri	2,818,000	1,809,502	64.2	219,000	7.7
West North Central—Continued					
North Dakota	366,000	247,848	67.8	35,000	9.5
South Dakota	386,000	281,264	72.8	35,000	9.0
Nebraska	865,000	536,850	62.1	75,000	8.6
Kansas	1,372,000	872,783	63.6	121,000	8.8
South Atlantic:					
Delaware	306,000	214,367	70.0	27,000	8.8
Maryland	2,187,000	1,235,039	56.5	204,000	8.3
District of Columbia	509,000	170,568	33.5	46,000	9.0
Virginia	2,698,000	1,359,928	50.4	286,000	10.6
West Virginia	1,079,000	754,206	69.9	90,000	8.3
North Carolina	2,948,000	1,587,493	53.9	298,000	10.1
South Carolina	1,453,000	666,978	45.9	165,000	11.3
Georgia	2,883,000	1,236,600	42.9	0	[1]0
Florida	3,839,000	2,187,805	57.0	315,000	8.2
East South Central:					
Kentucky	2,061,000	1,055,893	51.2	0	[1]0
Tennessee	2,367,000	1,248,617	52.7	212,000	8.9
Alabama	2,056,000	1,033,740	50.3	194,000	9.4
Mississippi	1,292,000	654,510	50.6	132,000	10.2
West South Central:					
Arkansas	1,176,000	609,590	51.8	101,000	8.5
Louisiana	2,040,000	1,097,450	53.8	201,000	9.8
Oklahoma	1,533,000	948,086	61.9	129,000	8.4
Texas	6,346,000	3,079,406	48.5	609,000	9.5
Mountain:					
Montana	405,000	274,404	67.8	37,000	9.1
Idaho	401,000	291,183	72.6	36,000	8.9
Wyoming	186,000	127,205	68.4	17,000	9.1
Colorado	1,181,000	806,445	68.3	112,000	9.4
New Mexico	534,000	325,762	61.0	62,000	11.4
Arizona	948,000	486,936	51.3	191,000	9.5
Utah	555,000	422,299	76.1	57,000	10.2
Nevada	282,000	154,218	54.8	26,000	9.2
Pacific:					
Washington	1,836,000	1,304,281	71.0	170,000	9.2
Oregon	1,240,000	818,477	66.0	102,000	8.2
California	11,904,000	7,251,550	60.9	1,054,000	8.8
Alaska	154,000	82,975	53.9	6,000	[2]3.8
Hawaii	424,000	236,218	55.8	34,000	[3]8.2

[1] 18, 19, and 20 year olds now eligible to vote.
[2] 19 and 20 year olds now eligible to vote.
[3] 20 year olds now eligible to vote.

Source: Bureau of the Census, current population reports (population estimates), series P-25, No. 406, Oct. 4, 1968; series P-20, No. 177, Dec. 27, 1968.

EXHIBIT 2

THE STUDENT GENERATION AND SOCIAL REGENERATION COMMENCEMENT ADDRESS OF PAUL A. FREUND, CORNELL COLLEGE, MT. VERNON, IOWA, JUNE 9, 1968

It is a special privilege to participate in the first Commencement presided over by my good friend Samuel Stumpf. At a time of tragedy and travail, when the leaves are falling in season and out of season, I cannot help recalling the ancient Chinese doom: "May you live in an age of transition!" But transitions can also be harbingers of blessings, and it is my confident hope that President Stumpf will lead these Commencements through years of more generous humanity and more full-hearted rejoicing.

It is a hazardous undertaking to speak to a gathering of several generations on the theme of the student and society. I ought to heed the advice of a certain Episcopal bishop in Virginia who was asked by a parishioner whether a non-Episcopalian could enter the Kingdom of Heaven. "Frankly," he said, "the idea had never occurred to me; but if he is a gentleman, he will not make the attempt."

It would be easy—much too easy—to dwell on the manifestations of disorder and violence that have marked student demonstrations around the world. Surely at this moment in our history the last thing we need is further episodes of lawlessness, of disregard of means in the pursuit of ends, and the last group from which such episodes should derive is the college generation. Mob rule is mob rule, by whomever perpetrated. The rifling of personal files is a detestable act, in whatever cause it is committed, as the student culprits would be the first to proclaim if their own belongings were ransacked by the university administration.

But this condemnation of student unrest is, as I have said, much too easy. It is also too superficial. A phenomenon of this magnitude calls for an inquiry into its causes, and an appraisal of its meaning.

In searching for causes Everyman is his own psychologist—as in judging the Supreme Court Everyman is his own constitutional lawyer. There are those who are convinced that the college generation has been corrupted by having been reared on the permissive doctrines of Dr. Spock and Dr. Gesell. Passing the question whether these counsellors were as permissive as they are accused of being, it is hard to believe that in Poland and France and Latin America these good American doctors determined the infant care and feeding of the present college generation. Other interpreters find in this generation strong evidence of the alienation of adolescence, the moratorium from omnipresent reality, that has come to be stereotyped as an identity crisis. The inventor of that term, Erik Erikson, is much too wise to explain all the protestant activity of youth in those terms. Sometimes the psychological explanation is transparently simplistic. When a healthy, engaging student approaches Professor Erikson on the campus and announces "I have an identity crisis," Erikson is likely to reply "Are you complaining or boasting?" More fundamentally, as in his psychobiography of that pioneer protestant the Young Luther, Erikson insists that behavior is produced not by the psyche alone but by its interaction with the society of the time and place. The same caution applies to the facile explanation in terms of a "generation gap." Of course there has always been that gap. Why do grandparents get along so well with their grandchildren? Perhaps because both can unite in their failure to understand the generation in between. More basically, again, the gap theory fails to consider the social context, to explain why in the 1920's the disaffected escaped from school and college into exile on the Left Bank of Paris while today in much larger numbers they are turning to the inner city and Indian reservations and the schoolroom.

Unless we try to understand the objectives of this generation, the directions they are taking in their discontent, we shall miss their message, exacerbate the failure of communication, and above all we shall fail to see the historic turning point that they are both reflecting and creating in our world. For I believe that the student movement around the world is nothing less than the herald of an intellectual and moral revolution, which can portend a new enlightenment and a wider fraternity, or if repulsed and repressed can lead to a new cynicism and even deeper cleavages. The student generation, disillusioned with absolutist slogans and utopian dogmas, has long since marked the end of ideology: wars of competing isms are as intolerable to them as wars of religion became centuries ago. Youth turned to pragmatism, to the setting of specific manageable tasks and getting them done. But that has proved altogether too uninspiring, and youth has been restless for a new vision, a new set of ideals to supplant the discarded ideologies. If the new vision is not yet wholly clear, its essence is plain enough if we look at the objects of student revolt.

The student generation is in revolt, first of all, against hypocrisies, and in particular against the hypocrisies of three three-letter words: sex, war, and law. Taboos in sex impress this generation as being the product, in many cases, of prudery or class distinctions rather than mutual respect and love. "The Society for the Suppression of Vice," said Sidney Smith, the nineteenth-century English cleric and wit, "ought to be called 'The Society for the Suppression of the Vices of Those Who Earn Less Than a Thousand Pounds a Year';" and many young Americans, making the necessary conversion of currencies, would agree.

In war, youth sees the conscription of the services and even the lives of their own generation in a cause they do not under-

stand, but not the conscription of property or even of excess profits to wage that war or to relieve the wretchedness about them that they are told cannot be relieved while the war is on.

In law, they observe the thunderous condemnation of their own number who disrupted a week of classes and caused a shutdown at Columbia University, but they may also remember that the public schools in Prince Edward County, Virginia, were closed not for weeks or months but for years by a school board determined to resist the rule of desegregation, a shutdown that drew far less general rebuke because it was the work of respectable ladies and gentlemen defying the law while holding public office.

A second target of the revolt, in addition to hypocrisies, is irrelevance—irrelevance in education. John Maynard Keynes defined higher education as the inculcation of the incomprehensible into the ignorant by the incompetent. Today's generation would amend the definition in two respects: what is inculcated is not incomprehensible, it is only irrelevant, and it is not inculcated into the ignorant. Otherwise the definition might stand. Our students find too much of our educational content to be what Professor Whitehead called "inert knowledge," information having no apparent relation to the problems of living in our world or understanding it.

A third object of revolt is authoritarianism, governance superimposed from without. What an English lord said about the Reform Bill of 1832 seems to the college generation to describe the attitude of their seniors toward the community of the university: "I don't know what the people have to do with the laws of a country except obey them." The age of majority was fixed at twenty-one, historians tell us, because at that age a young man was deemed capable of bearing the heavy armor of a knight. The moral needs no elaboration.

I have tried to put the drives of the student protesters as sympathetically and strongly as I can; in the process I have doubtless lost not only the parent generation in the audience but the grandparents as well. I do believe that if we fail to listen to the message of the student generation, strident though it be, we do so at our peril—I mean our spiritual peril.

But, as the Romans pointed out, the corruption of the best is the worst, and there is peril too in the pathology of youth's ideals. The revolt against hypocrisies can breed a form of assured self-righteousness that easily turns into cynicism. The danger is that having discovered that so-called neutral principles may not always be neutral in fact, that justice itself, by rewarding so-called merit and achievement may be perpetuating and reinforcing a system of inherited inequities—that having discovered these things the student generation will repudiate all principles in pursuit of a righteous end, forgetting that the end is tainted by the means, and that to jettison principles of law because your aims are pure, or holy, or patriotic, denudes you of defense against those who are just as certain of their rectitude. Certitude and rectitude are in fact only acronyms, not synonyms. In *A Man For All Seasons* Sir Thomas More is arguing about man's law and God's with his friend William Roper, who is described as a young man in his early thirties, with "an all-consuming rectitude which is his cross, his solace, and his hobby." More asks: "What would you do, cut a great road through the law to get after the Devil?" Roper replies: "I'd cut down every law in England to do that." More is roused to excitement: "Oh? And when the last law was down, and the Devil turned on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil the benefit of law, for my own safety's sake."

How are we to mediate between the revolt against hypocrisy and its pathology of self-righteousness? I suggest that we start by re-examining candidly the concept of justice, acknowledging that it can indeed serve merely as a reinforcement of the status quo, but recognizing also that it can powerfully promote social change by holding up the criteria of need and intrinsic human worth, so that in the end justice is no stranger to compassion and love, and in the anatomy of social regeneration law is the necessary backbone.

The revolt against irrelevance has its pathology too, in the form of egocentrism. The notion that nothing is really relevant unless it bears directly on today's decisions is a regressive concept, the relevance of the nursery. We understand ourselves and our problems by in some sense transcending them. Without the perspective of time and distance we are prisoners of the egocentric predicament, confusing the immediate and specific with the genuinely practical, like the plight of the stuttering boy who, having been sent away for a cure, reported sadly "I can say Peter Piper picked a peck of pickled peppers; b-b-but it r-r-rarely oc-c-curs in c-c-conversation." The art of relevant teaching is not to contract the range of inquiry but to expand the possibilities of relevance, to see the general in the particulars, to study the flower in the crannied wall in order, as Tennyson put it, to seek to know what God and man is.

The revolt against authoritarianism, finally, has its own pathology, which is anarchy or nihilism. The road to reconciliation here is to devise new forms of participation and shared responsibility. "Responsibility," said Justice Brandeis, the wisest man I have known, "is the great developer of men." When the struggle for woman suffrage was raging, Brandeis argued for the reform in his own distinctive terms: not that it is woman's right, but that we cannot afford to shield her from sharing in the responsibilities of citizenship. When the radical labor tactics of the I.W.W. brought pressures for repression, Brandeis' advice was to place representatives of the I.W.W. in positions of common responsibilities. If I make a similar suggestion in the case of students, I hope it will not be construed as a patronizing counsel, any more than Brandeis was patronizing toward women as voters or radical labor leaders as collaborators in the industrial community.

Not only the younger generation, but all of us, will be the better if the vote is conferred below the age of twenty-one; we need to channel the idealism, honesty, and open-hearted sympathies of these young men and women, and their informed judgments, into responsible political influences. In my judgment as a lawyer, this uniform extension of the suffrage could be conferred by Congress under its power to enforce the equal-protection guarantee of the Fourteenth Amendment, without having to go through the process of a constitutional amendment. [Italic added.]

In the academic community the issue of student participation in government is a complex one. However inappropriate it would be to give membership to students on the governing boards of colleges, given their transitory status among other disabilities, it does seem feasible and desirable to include on alumni governing bodies some representatives of the recent graduating classes; and on the campus itself new forms of participation through faculty-student committees are proving to be a constructive and rewarding institution.

Between World Wars One and Two, it has been said, the Allied powers showed that they would never listen to reason but would always yield to force. Let us not repeat domestically either part of this double-blind procedure.

We are met at a time of deep national mourning and self-searching. We have become so inured to violence on a massive scale that only when it singles out one of our best and most courageous do we stop to look it squarely in the face and ask whether generations have suffered and died to produce a civilization of inhumanity. This, I believe, is the question that the college generation is, in its own way, holding up to us. Let us listen to their question with humility and to their answers with hope.

On Memorial Day 1884 Justice Oliver Wendell Holmes spoke these words, which I leave with you:

"Every year—in the full tide of spring, at the height of the symphony of flowers and love and life—there comes a pause, and through the silence we hear the lonely pipe of death. Year after year lovers wandering under the apple boughs and through the clover and deep grass are surprised with sudden tears as they see black veiled figures stealing through the morning to a soldier's grave. Year after year the comrades of the dead follow, with public honor, procession and commemorative flags, and funeral march—honor and grief from us who stand almost alone, and have seen the best and noblest of our generation pass away.

"But grief is not the end of all. I seem to hear the funeral march become a paean. I see beyond the forest the moving banners of a hidden column. Our dead brothers still live for us, and bid us think of life, not death—of life to which in their youth they lent the passion and glory of the spring. As I listen, the great chorus of life and joy begins again, and amid the awful orchestra of seen and unseen powers and destinies of good and evil our trumpets sound once more a note of daring, hope, and will."

EXHIBIT 3

STATEMENT OF ARCHIBALD COX, WILLISON PROFESSOR OF LAW, HARVARD LAW SCHOOL

(Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, Feb. 24, 1970.)

As a teacher and student of constitutional law, I have been asked to testify upon the constitutionality of two provisions of proposed voting rights legislation: the elimination of residence requirements as a condition of voting in Presidential elections and the nationwide abolition of literacy tests. I would like also to urge upon the Committee that Congress has power, under the very same constitutional theory to reduce the age for voting from twenty-one to eighteen years of age.

My chief qualification is study of constitutional law. As Solicitor General of the United States I briefed and argued a number of voting rights cases. I participated in drafting the Voting Rights Act of 1965 and defended its constitutionality as special counsel for Massachusetts in *South Carolina* v. *Katzenbach*, 383 U.S. 301.

My testimony will be confined to the constitutional questions. I would like to state, however, that I favor (1) the extension of the Voting Rights Act of 1965 without change; (2) the elimination of durational residency requirements in Presidential elections; (3) the abolition of all literacy tests; and (4) the reduction of the voting age to eighteen years of age, all by act of Congress without awaiting a constitutional amendment.

1. Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State durational residence requirements for voting in Presidential elections.

Article II, Section 1 of the Constitution allows a State to determine its own method of choosing members of the Electoral Col-

lege but that authority, like all other State powers, must be exercised in accordance with the Fourteenth Amendment. *Carrington* v. *Rash*, 380 U.S. 89.

Section 1 of the Fourteenth Amendment provides that no State—shall deny to any person within its jurisdiction the equal protection of the laws.

The Equal Protection Clause is violated by any State action that works an arbitrary and unreasonable discrimination or an invidious classification. It applies to State restrictions affecting the franchise and electoral process, including voting qualifications. *Gray* v. *Sanders*, 372 U.S. 368; *Reynolds* v. *Sims*, 377 U.S. 533; *Harper* v. *Virginia Board of Elections*, 388 U.S. 1244; *Kramer* v. *Union Free School District*, 395 U.S. 621. For example, the Supreme Court has invalidated State laws denying residents in military services the right to vote, *Carrington* v. *Rash*, *supra*, or excluding from school district elections persons who have neither an interest in real property nor children in the schools, *Kramer* v. *Union Free School Districts*, *supra*.

It is uncertain whether a State law establishing a 6 months or longer residency requirement for voting in a Presidential election is subject to judicial condemnation as a violation of the Equal Protection Clause even in the absence of congressional action. *Drueding* v. *Devlin*, 380 U.S. 125, affirming 2347. Supp. 721 (D. Md. 1964), upheld a one year residency requirement, but last November 24 Justices Brennan and Marshall stated that that decision was no longer good law. *Hall* v. *Beals*, 38 U.S. Law Week 4006, 4008. Since the majority dismissed the Halls' suit as moot, no other justices spoke to the issue.

The outcome of such an equal protection challenge depends upon balancing the interests of the putative voters against the interests the residency requirement is said to serve. The interests of the voters are twofold: participation in the most important aspect of democratic self-government and freedom to move to a new home. Both interests are so fundamental that any classification affecting them or discriminating against their exercise must be scrutinized meticulously. *Kramer* v. *Union Free School District*, *supra*; *Shapiro* v. *Thompson*, 394 U.S. 618, 634. In support of a six month's or one year's residency requirement, some States have invoked a concern for preventing fraudulent claims of residence for administrative convenience, and for familiarity with local interests affected by the outcome of even a national election. In striking the balance in the absence of Congressional action, the federal judiciary—ultimately the Supreme Court—must either find the pertinent facts and evaluate their significance for itself or else defer, at least to some extent, to the findings and evaluation of the legislature.

But the situation is different if Congress has legislated on the subject. The critical difference is that Congress has power under Section 5 of the Fourteenth Amendment to make the investigation, to find the facts, to make its own evaluation of the opposing interests, and to conclude, looking to the actual state of affairs in the country, that the citizen's interest in participation in the election of his President, as well as in freedom of movement, so greatly outweighs any State interest in the residency requirement as to make the requirement an instance of invidious or arbitrary and capricious classification in violation of the Equal Protection Clause. In this sense, Congress has constitutional power to determine what the Equal Protection Clause requires. It is an appropriate legislative function because it involves the finding and evaluation of facts. When Congress acts, the only question for the judiciary is whether it can perceive a basis upon which Congress *might* view the removal of the classification as necessary to secure equal protection of the laws.

The constitutional principle I am seeking to emphasize was established in *Katzenbach* v. *Morgan*, 384 U.S. 641. A New York statute made literacy in English a prerequisite to voting. The discrimination against Spanish-speaking citizens was claimed to be justified because of the State interest in assuring informed and intelligent use of the franchise as well as in encouraging immigrants to learn English. In the absence of a federal statute the Court might well have sustained the New York law. *Cardona* v. *Power*, 384 U.S. 672. Section 4(a) of the Voting Rights Act of 1965, however, provided that no person should be denied the franchise because of inability to read or write English, who had successfully completed the Sixth Grade in a Puerto Rican school where instruction was in Spanish. The Court sustained the congressional abolition of the English language literacy test, saying—

"Congress might well have questioned, in light of the many exemptions provided, and some evidence suggesting that prejudice played a prominent role in the enactment of the requirement, whether these were actually the interests being served. Congress might have also questioned whether denial of a right deemed so precious and fundamental in our society was a necessary or appropriate means of encouraging persons to learn English, or of furthering the goal of an intelligent exercise of the franchise. Finally, Congress might well have concluded that as a means of furthering the intelligent exercise of the franchise, an ability to read or understand Spanish is as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radio and television programs are available to inform them of election issues and governmental affairs. Since Congress undertook to legislate so as to preclude the enforcement of the state law, and did so in the context of a general appraisal of literacy requirements for voting, see State of *South Carolina* v. *Katzenbach*, *supra*, to which it brought a specially informed legislative competence, it was Congress' prerogative to weigh these competing considerations. Here again, it is enough that we perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement to deny the right to vote to a person with a sixth-grade education in Puerto Rican schools in which the language of instruction was other than English constituted an invidious discrimination in violation of the Equal Protection Clause."

The substance of the holding is that Congress may decide, within broad limits, how the general principle of equal protection applies to actual conditions. In other words, as Justice Harlan pointed out in dissent. Congress can invalidate State legislation upon the ground that it denies equal protection where the Court would uphold, or even has upheld, the constitutionality of the same State statute. 384 U.S. at 667–668.

Under this decision, it is for Congress to determine whether a right so precious and fundamental as casting a vote for President can be denied to new residents without invidious discrimination merely to serve supposed administrative convenience in registering voters and preventing fraudulent votes. Similarly, it is for Congress to weigh the significance of a longer opportunity to learn (or of continued attachment to) peculiar local interests. Personally, in my opinion, the supposed justifications are trivial but that is not for me to decide. From the standpoint of constitutionality it would be enough that Congress had a rational basis for the conclusion that requiring more than bona fide residence is an invidious classification.

Such a rational basis plainly exists. Accordingly, I have not the least doubt that Section 2(c) of H.R. 4249 is constitutional.

2. Congress has constitutional power under Section 5 of the Fourteenth Amendment to abolish State literacy requirements for voting in State and federal elections.

The same constitutional principles that sustain the power of Congress to abolish State residency requirements for voting in Presidential elections also sustain its power to abolish all literacy tests in all States for all elections. State voting laws are subject to the Equal Protection Clause of the Fourteenth Amendment. Congress has power, within broad limits, to determine the requirements of equal protection in any given situation, if the judgment depends in any way upon appraisal of factual conditions. If Congress finds that denying a vote to citizens who cannot read and write is so little justified as to be invidious, and therefore forbids the enforcement of contrary State laws, the judicial branch will uphold that statute under *Katzenbach* v. *Morgan* unless there is no rational support for the congressional conclusion.

The constitutional justification for subdivision (b) (3) parallels the reasoning above.

In *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, the Court upheld a North Carolina literacy test where there was no claim that it had been used as an engine of racial discrimination. The issue turned upon whether denying the franchise to those classified as illiterates was justified by the contribution of the test towards ensuring an intelligent exercise of the right of suffrage. North Carolina found the justification sufficient. The Supreme Court, in the absence of federal legislation, concluded that North Carolina had made an allowable choice.

The *Lassiter* case does not stand in the way of congressional abolition of all literacy tests. Just as Congress was held in *Katzenbach* v. *Morgan* to have power upon its own review of the facts to overturn an English-speaking literacy requirement that might have withstood constitutional attack in the absence of Section 4(e) of the Voting Rights Act, so here Congress has power upon its own review of the facts to overturn the literacy test that withstood constitutional attack in *Lassiter* v. *Northampton Board of Elections*. The critical difference in each instance is that the judicial branch will respect the constitutional function of Congress under Section 5 of the Fourteenth Amendment.

Under *Katzenbach* v. *Morgan*, therefore, it is for Congress to appraise whether a literacy test does in fact produce a more intelligent exercise of the franchise. The increasing reliance upon other media of communications, the opportunities to see and hear the candidates, and the experience of twenty-four States which have no literacy tests strongly suggest that the contribution is trivial. It is also for Congress to weigh the seriousness of exclusion from the processes of self-government and the extent to which the exclusion of those denied an education is really based upon a prejudice against the poor—a classification which is plainly unconstitutional in relation to elections. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663; *Kramer* v. *Union Free School District*, 395 U.S. 621. If the Congress, upon review of such facts, finds that literacy tests have so little justification under modern conditions as to work discrimination that is arbitrary and capricious in relation to the franchise, then Congress has ample power to require their elimination, under Section 5 of the Fourteenth Amendment.

I should emphasize that this power nowise depends upon a finding that literacy tests everywhere result in racial discrimination. The theory here is altogether different from the constitutional theory supporting Section 4 of the Voting Rights Act of 1965. Section 4 of the Voting Rights Act of 1965 was framed under Section 2 of the Fifteenth Amendment upon the theory that literacy tests and like devices had so widely been—and were so likely to be—used as engines of racial discrimination in certain States and counties as to warrant prohibiting their use unless and until the contrary was proved in a judicial proceeding. *South Carolina* v. *Katzenbach*, 383 U.S. 301. See also, *United States* v. *Missis-*

sippi, 380 U.S. 128; *Louisiana* v. *United States*, 380 U.S. 148. The total abolition of literacy tests in all States should be based, as I view the matter, not upon any racial abuse but upon the finding that to separate out those who were denied an education in order to exclude them from voting works an invidious classification in violation of the Equal Protection Clause.

Before leaving the point I should add that I do not understand the basis for abolishing requirements of good moral character in places where such tests have not been engines of racial discrimination.

3. Congress has the constitutional power under Section 5 of the Fourteenth Amendment to reduce the minimum age for voting from twenty-one to eighteen years.

In my opinion, the constitutional underpinning for abolishing residency requirements and literacy tests is equally applicable to legislation reducing the voting age to eighteen. States in which the voting age is twenty-one put those who are 18, 19 and 20 in a separate class from those who have reached their twenty-first birthday. Under the Fourteenth Amendment the question is whether the classification is reasonable or arbitrary and capricious. Undoubtedly, the Supreme Court woud sustain such a State rule in the absence of federal legislation. Under Section 5 of the Fourteenth Amendment, however, the Congress has the power to make its own determination.

The supposed justification for denying the franchise to those between eighteen and twenty-one is that they lack the maturity and appreciation of their stake in the community necessary for an intelligent and responsible vote. The Congress would wish to consider whether there is a compelling basis for this belief, bearing in mind the spread and improvement of education, the age at which young people take jobs, pay taxes, marry and have children, the tremendous interest of young people in government and public affairs, and their increased knowledge and sophistication as a result of new forms of mass communications. On this point, surely it is not irrelevant that the educational system draws a major line roughly at eighteen years of age, upon graduation from high school. The Congress would also wish to consider that "[a]ny unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government" (*Kramer* v. *Union Free School District, supra*). The exclusion is uniquely bitter when one may be summoned to fight and perhaps to die in defense of a policy he had not even a citizen's indirect voice in making.

If Congress upon reviewing these and related facts should find the classification invidious under contemporary conditions, the Court, if it adhered to *Katzenbach* v. *Morgan*, should sustain the legislation.

These views are not newly developed for this occasion. I expressed them in an article published in November 1966 shortly after *Katzenbach* v. *Morgan* was decided (*Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 107)—

"Much of President Johnson's desire to expand the electorate by outlawing all literacy tests, reducing the age for voting, and simplifying residence requirements can probably be realized by legislation without a constitutional amendment. If Congress can make a conclusive legislative finding that ability to read and write English as distinguished from Spanish is constitutionally irrelevant to voting, then a finding that all literacy requirements are barriers to equality should be equally conclusive. Congress would seem to have power to make a similar finding about state laws denying the franchise to eighteen, nineteen, and twenty year-olds even though they work, pay taxes, raise families, and are subject to military service. The constitutionality of federal prescription of residence requirements would seem more doubtful because the differentiations made by state laws are more difficult to characterize as invidious."

The doubt expressed in the final sentence is plainly unwarranted when the federal prescription is confined, as in the present bills, to Presidential elections.

Before closing, I must add two notes of caution.

First, I suspect that some constitutional scholars would not share my view that Congress can reduce the voting age without a constitutional amendment. Possibly, my reasoning runs the logic of *Katzenbach* v. *Morgan* into the ground. Possibly, the case will be explained away upon the ground that the discrimination was invidious because it ran against Puerto Ricans. But that is not what the Court held and if a congressional finding that residency and literacy tests work a denial of equal protection would be binding upon the courts, then logically a finding that the present discrimination against 18–21 year olds is invidious should be equally conclusive.

Of course, constitutional decisions do not rest upon logic alone. Our mobility has outmoded residency requirements at least in Presidential elections, as radio and television have outmoded literacy tests. The traditional attitude towards the voting age seems to be more deeply ingrained, and it is not impossible that the Court would adhere to that tradition until changed by constitutional amendment.

Second, these doubts suggest that an act of Congress reducing the voting age might be the subject of serious constitutional litigation. Possibly, enough votes would be involved to cast doubt upon the outcome of a Presidential or major State election. It might be calamitous to have the doubt remain for the full time required for a Supreme Court decision.

I have not had time, since the problem occurred to me, to review the legal precedents bearing upon the difficulty. The Committee will undoubtedly wish to study them. I suggest, however, that any danger can probably be avoided by including in any legislation reducing the voting age a section declaring that, pending a final ruling by the Supreme Court, the decision of the highest election officials or federal court with jurisdiction in the premises, rendered prior to an election, shall be conclusive with respect to the validity of votes case in that election.

Of course, this solution would leave open the possibility of different results in different States pending final Supreme Court resolution. That diversity could be avoided by providing that no challenge to a vote in any Presidential election upon grounds that the statute is unconstitutional shall be entertained unless an action against the United States for a declaratory judgment to determine the question of constitutionality shall have been filed in the United States District Court for the District of Columbia within one year after the effective date of the Act. The action should be triable before a three judge court. The decision of that court should be binding unless reversed by the Supreme Court more than three months in advance of the election.

Although candor obliges me to add these words of caution, I repeat that in my opinion congressional reduction of the voting age would be constitutional.

EXHIBIT 4

[From the Washington Post, Mar. 5, 1970]

YOUTH POWER

Not surprisingly, Vice President Spiro Agnew did not testify in favor of lowering the voting age at the recent hearings of the Senate Subcommittee on Constitutional Amendments. But almost everyone else did. Deputy Attorney General Richard Kleindienst, for example, spoke for the administration in saying that "America's 10 million young people between the ages of 18 and 21 are better equipped today than ever in the past to be entrusted with all of the responsibilities and privileges of citizenship"—no small compliment from a man who has been sharply critical of the youth revolt. He pointed out, further, that people under 21 may hold jobs, pay income tax, be held responsible for civil and criminal actions and, of course, be drafted into the armed services. Why not the vote?

Reinforcing that view was Stephen Hess, national chairman of the 1970 White House Conference on Children and Youth, who offered the alarming statistic that although the median age of the country's population is 27.7 (and falling all the time), the median age of the electorate is 45.1. A lower voting age, he suggested, would provide the disenfranchised 5 per cent of the population between 18 and 21 "with a legitimate outlet for their concerns, while at the same time enabling them to participate within the established political framework of our government." A host of other supporters testified; the Senate move for a constitutional amendment to lower the voting age has 68 sponsors from both parties. Senator Kennedy has even argued in a memorandum that Congress has the constitutional power to lower the voting age by statute rather than amendment.

The evidence from outside government has been at least as persuasive. Dr. Margaret Mead has written that "those who have no power also have no routes to power except through those against whom they are rebelling." Those investigating repeated instances of violent uprisings by young students and non-students alike—such as last week's incidents in Santa Barbara, Calif.—inevitably come back to complaints of "powerlessness."

It is perhaps not the most politically expedient thing to do in an election year, when many older voters are fed up with youthful excesses. It may not be the easiest measure to push through Congress at a time when another important constitutional amendment having to do with electoral reform is pending, the one for direct election of the President, and when voting rights legislation is also before Congress. It certainly will not be a panacea for the bulk of our society's problems. But it has worked in four states. It has been adopted in Britain. It would open access to decision-making for many who now feel deeply frustrated. In short, the lowering of the voting age to 18 for all elections throughout the country is overdue.

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

Mr. KENNEDY. I yield.

Mr. MANSFIELD. May I say that the amendment to the Scott-Hart substitute yesterday offered by the distinguished senior Senator from Washington (Mr. MAGNUSON), myself, and other Senators, is in reality the Kennedy amendment, because the initiative came from the studies and the proposals advanced by the Senator from Massachusetts.

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

Mr. KENNEDY. I yield.

Mr. GOLDWATER. As the Senator knows, I have had a long interest in obtaining voting rights for 18-year-olds. I shall be testifying before the subcommittee next week on this subject.

I think it would be wrong, frankly, for us to try to tack it on to the current bill without complete hearings, because there are many good legal arguments for doing it through law, and there are many sound arguments involving the ability of 18-year-olds to reason for themselves. I do not think we can bring those things out

properly on the Senate floor, in the midst of what is bound to be a rather heated and sometimes misunderstood debate.

I would hope that all of the distinguished Senators who have advocated that this proposal be attached to the current voting rights bill would not press it. I think we can pass it separately.

I introduced a constitutional amendment last year to accomplish this purpose, and it carried quite a number of cosponsors. I have not prepared any legislation on the subject this year; I am merely testifying to what the Senator has said, that it can be done, in my opinion, by an act of Congress, but there is bound to be long debate in this Chamber, that could tie up the whole voting rights bill, by those who disagree.

I know that many members of the Committee on the Judiciary feel that the court's decision was wrong. I quite agree with them; but it is the decision of the court; and as such, we can take advantage of it. So I hope we will not press it too hard.

Mr. KENNEDY. I thank the distinguished Senator from Arizona for his comments. I think all of us are aware that there are, I believe, 68 Senators who have cosponsored a constitutional amendment to reduce the voting age to 18, including the Senator from Arizona, the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. RANDOLPH), and the majority leader (Mr. MANSFIELD). A large number of other Senators have been extremely interested in this issue, and have been working in this area for a considerable period of time.

The power of Congress to lower the voting age by statute has been the subject of eloquent testimony in the Subcommittee on Constitutional Rights. And, as the Senator mentioned, Senator BAYH's Subcommittee on Constitutional Amendments will hold hearings on this issue next week.

The distinguished majority leader will be the one to indicate whether or not he intends to call up his amendment at the appropriate time.

In any event, I certainly hope that we will have a chance to discuss this matter during the course of the debate on the Voting Rights Act. I think the issue of 18-year-olds voting is particularly relevant to the discussion of voting rights. Already in this debate, we have been talking of race, and literacy, and residence in connection with voting rights. It is entirely appropriate, therefore, that we should also talk of age.

I think it is also appropriate, in light of the administration's position on this matter—that Congress has power to change literacy and residence requirements by statute—to suggest that similar lines of constitutional argument apply to the question of extending the franchise to 18-year-olds. I think there is a common spirit, a common theme, a constant common constitutional argument for such extension.

I think that many of us are caught in the dilemma mentioned by the Senator from Arizona, as to whether it is appropriate to add a provision on 18-year-old voting to the Voting Rights Act.

In any event, I think the hearings next week will add enormously to the Senate's general understanding of this issue. I think Professor Cox's statement last week before Senator ERVIN's subcommittee was remarkably complete and comprehensive. It refers in considerable detail to other writings, comments, statements, and speeches on the issue. I think it would be useful for all of us who are interested in this issue to give it full consideration.

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

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, the amendment which has been offered is germane to the pending bill. The questions which have been raised by the distinguished Senators are pertinent to the issue itself.

It is true that there will be further hearings next week on this proposal—this long overdue proposal, in my opinion—but, frankly, for a number of years now, the Senator from Vermont (Mr. AIKEN) and I have been appearing before the Judiciary Subcommittees, hearings have been held, and nothing has been done. For some reason or other, certain types of legislation seem to have a very difficult time getting out of the Committee on the Judiciary.

It would be my present intention to call this amendment up at an appropriate time. It would not be my intention to engage in a filibuster or to bring about any delay, beyond a reasonable amount, in the consideration of the pending business. But I think it is about time we face up to this matter.

I was disturbed by the fact that in the elections last November, the States of Virginia and New Jersey turned down the 18-year-old vote, and that just several weeks ago the House of Delegates, I believe, of the Maryland General Assembly did likewise.

I think it is about time we gave these youngsters a chance, gave them the opportunity to participate, at least in a small way, in the making of policy, and add this to the other responsibilities which are theirs without choice. If we are going to depend upon older people to take care of these youngsters, I am afraid many of them are going to have to wait too long a time. I think those of us who are a little older and some of us who are quite older ought to give some recognition to these youngsters, who are far more intelligent than we were at their age, who have to face more difficult problems, and who, in my opinion, are entitled to the franchise, and who I hope will be getting it shortly.

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

The PRESIDING OFFICER. The additional time of the Senator from Massachusetts has expired.

Mr. KENNEDY. I ask unanimous consent that I may have 2 additional minutes.

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

Mr. GOLDWATER. I agree with the majority leader completely in his remarks. My only concern is that we are now nearly a week into the present voting rights bill, and this amendment is bound to bring criticism from those who doubt the constitutionality of this approach.

In my opinion, I feel that this will stand on its own; that if the subcommittee will pass it to the full committee and the full committee will pass it on, as I think they will, we can vote on this as a separate issue.

I am in complete accord with what the Senator from Montana has said on this issue. I have prepared testimony for next week. I do not want to divulge it at this time; but an interesting little piece of information I dug up—and it is difficult for me to believe—is that 26 percent of all the girls who reach 18 are married. If a girl 18 years of age can be a mother and run a house, if she can have a driver's license, if she can engage in any number of things legally, I do not know why she cannot vote. I just pass that on as a part of the information I dug up, which is very revealing to me.

I would hope we do not get too serious about it on this bill. If there is any indication that the committee is not going to pass it on to the Senate, I will join with the Senator from Montana.

Mr. MANSFIELD. I appreciate that assurance, because what I want is a bill before the committee, an amendment, a resolution, or something of that nature.

I think we have waited long enough, and I do not think we should be held hostage to the Judiciary Committee or any other committee, subject to their whims, when I think the great majority of this body, as the distinguished Senator from Arizona has indicated—and he has been a longtime advocate, as well as the distinguished Senator from Massachusetts, who has likewise been a longtime advocate—must be aware of the situation which develops. What I want is action.

Mr. GOLDWATER. I might say, Mr. President, to conclude this colloquy, that when I was engaged in a rather unfortunate experience a few years ago, in seeking a higher office, this was part of my platform. I do not think it contributed to my defeat. I think that possibly I gained more votes because I advocated it, and I am not worried about the political implications.

CENSUS DEFECTS

Mr. KENNEDY. Mr. President, in 3 weeks the Bureau of the Census will mail 40 million questionnaires to households across the Nation to begin the 1970 census. However, in some of those homes, no one can read English. In others, the complexity of the forms will produce a limited response. And there is considerable doubt that all apartments and houses in the Nation, particularly in the inner cities, will be on the Bureau's mailing list. For those reasons, black and Spanish-speaking organizations have filed suits charging the 1970 census once again will miss the Nation's minority groups.

In 1960, some 5 million Americans were not recorded, including 10 percent of the total black population of this country. The implications of that failure for the Nation's planning of social pro-

grams cannot be ignored. A week ago, I wrote the Director of the Bureau of the Census expressing my concern that we are about to see a repetition of the 1960 experience with the underrepresentation of black and non-English-speaking minorities.

Because of the lawsuits and the mounting criticisms of census procedures, a meeting has been scheduled tomorrow at the White House between Presidential aides and representatives of the minority groups seeking changes in census procedures. I hope that census officials will make the necessary alterations to insure that all citizens are counted in the 1970 census. We can accept no less.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of my letter to the Honorable George Hay Brown, Director of the Bureau of the Census.

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

U.S. SENATE,
Washington, D.C., February 26, 1970.

HON. GEORGE HAY BROWN,
Director, Bureau of the Census,
Department of Commerce,
Washington, D.C.

DEAR MR. BROWN: I am greatly concerned that the procedures announced for the taking of the 1970 census may once again result in the under-representation of the nation's minority groups, particularly the black and the Spanish-speaking communities. In 1960, the census takers missed some 5 million persons including an estimated 2 million black citizens, nearly 10 per cent of the country's total black population. An untold number of Spanish-speaking persons and other ethnic minorities were among the 3 million white citizens unrecorded in 1960, according to Bureau officials.

As you know, many, if not all federal programs base their planning on the statistics contained in the federal census. Thus, for ten years, these minority groups have been denied an equitable share of federal resources, and they are the groups that can least afford to be slighted.

Now, we are faced with a new census whose statistics will become the basis for the design of government programs for the next decade. We cannot afford to bypass, however inadvertently, large numbers of our citizens.

I believe that some of the new procedures announced by the Bureau to avoid the inaccuracies of the 1960 census still contain major defects. The mail-out process to be used in 60 per cent of the nation relies on commercial mailing lists, Post Office records, and a door-to-door precanvassing this month to secure mailing addresses. Unfortunately, many poor families of the inner city and many of the rural poor will not be found on those lists.

Moreover, it is questionable whether the precanvassing will achieve its aim. The tendency of the inner city is to distrust the stranger, and that distrust is even greater when the stranger represents an unfamiliar government agency. Yet, the Bureau's campaign to recruit minority workers will not be completed until the end of March, too late for these neighborhood residents to be used in the precanvassing.

There is a further difficulty that affects both Black and Spanish-speaking citizens. The census forms and the instruction sheets are to be mailed to the home. The resident must read and understand the instruction sheet, fill out the detailed questionnaire and mail it back to the Bureau of the Census. Even the Bureau has acknowledged that many families are not likely to respond out of fear or ignorance. Follow-up interviews are to be conducted when a questionnaire is not returned. However, the success of the interview process in counting minority group members depends heavily on recruiting minority persons from the local neighborhood. I would also appreciate it if you could send me information on the number of minority persons that have been hired in the 393 offices and the number of such persons you estimate are needed to accomplish the precanvassing and follow-up interviews.

There is an additional and specialized problem for the Spanish-speaking community. I understand that a small, randomly selected number of homes will receive a special questionnaire seeking to identify the number of Spanish-speaking residents and their nationality. The special questionnaire will not include a Spanish language instruction sheet. For the non-English speaking family both the instruction sheet and the form will be incomprehensible. Spanish language instruction sheets will be mailed in only five of the 393 regional census districts which will serve a small percentage of the total Spanish-speaking community. The questionnaire still will be in English. Yet, the Bureau has said that nearly 90 per cent of the questions on the Spanish language form used by the Bureau in Puerto Rico are identical to the queries on the English-language form to be used in the states.

I therefore urge you to examine immediately the following possibilities:

(1) Assess the progress of the minority hiring process *now* so that remedial steps can be taken in those areas where the minority recruiting efforts have not been successful.

(2) Emphasize the use of community groups as educational media and as precanvassers, and compensate them for their efforts.

(3) Send questionnaires and instructions in both English and Spanish to Spanish surname residents and to all residents in areas where a large concentration of Spanish-speaking persons are known to reside. Similar efforts should be undertaken for other linguistic minority groups: French, Portuguese, Chinese, etc.

(4) If these matters cannot be resolved prior to the March 28 mailing date, then a subsequent mailing of bilingual instruction sheets and additional followup interviews should be planned.

(5) To help deal with these problems in the future, a person specifically responsible for minority group problems should be assigned to each regional office to insure that these current difficulties do not recur in the 1980 census.

I urge your consideration of these matters so that the 1970 census can produce a true count of all of our citizens.

Sincerely,

EDWARD M. KENNEDY.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may speak for 10 minutes.

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

THE UNITED STATES AND LAOS

Mr. BYRD of Virginia. Mr. President, Prince Souvanna Phouma of Laos said Tuesday that the United States has an obligation to defend and protect his kingdom.

Although Laos is not covered by a formal defense treaty, and is not a member of SEATO, it comes under the protection of the Southeast Asia Treaty Organization pact, which the United States has signed.

Communist forces in Laos are threatening a test for President Nixon's doctrine of limiting U.S. involvement in overseas troubles.

North Vietnam, without admitting it, has 50,000 troops in Laos helping local Communists in active fighting.

The United States, although refusing to acknowledge it, is staging heavy B–52 bombing raids in Laos and is helping Royal Laotian forces with training and supplies—and flying tactical support for the Laotian forces.

Of course, U.S. military activity in Laos, insofar as air power is concerned, is nothing new—but the tempo has quickened during recent weeks.

The facts are that during the past 3 or 4 years, the United States has been much more deeply involved in Laos than it publicly admits.

It is a fact, too, that the United States has dropped more bombs there than it has on North Vietnam.

Yet, neither the Johnson administration nor the Nixon administration has been willing to present the facts to the public.

This is unfortunate.

Both the United States and the North Vietnamese are—and long have been—violating the Geneva Accord of 1962.

As Senator MANSFIELD, the Senate majority leader, so ably pointed out in the Senate Monday:

> The involvement is so transparent on both sides as to make less than useless the effort to maintain the fiction of the Geneva Accord, or even to exchange charge and countercharge of violations.

Prince Souvanna Phouma's statement this week dramatizes the problem the United States faces.

Three years ago next month, after returning from Southeast Asia, I made this statement on the floor of the Senate:

> Sooner or later, our nation may be faced with grave decisions regarding Laos and Cambodia.
>
> If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indo-China, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

For more than a year now, I have been convinced that the North Vietnamese and their local Laotian Communist allies could, almost at will—say within any 3-month period—take over virtually all of Laos.

But up to this point, the North Vietnamese have not regarded it as worth while. Recently, however, they have increased the pressure on Laos—and possibly for the purpose of increasing the problem for the United States.

Despite the fact that President Nixon has substantially reduced the number of American troops in South Vietnam, I have never felt optimistic about an early end to this war.

From the beginning, I have felt it a great error of judgment to become involved in a ground war in Asia. I have

said this many times on the floor of the Senate.

But then, having made that error, President Johnson and Defense Secretary McNamara compounded the error by the way they conducted the war. I am convinced that the Johnson-McNamara policies prolonged the war and increased the casualties.

President Nixon does not have the same options as did President Johnson. Probably he is doing the best that can be done under the existing circumstances.

The increased aerial activity in Laos is partially, if not primarily, for the purpose of reducing North Vietnamese enemy infiltration from North Vietnam to South Vietnam. The Ho Chi Minh Trail runs through Laos. Thus, the heavy bombing in that area.

But besides that, we have been giving tactical support to the Royal Laotian Air Force in order to help Prince Souvanna Phouma survive.

I emphasize again that U.S. aerial activity in Laos is nothing new. It has been going on for a long time. But there has been an increase in such activity, and probably a substantial increase.

But this does not alarm me as much as does the statement this week by Prince Souvanna Phouma, which statement suggests to me that he may be becoming desperate and is seeking wider and more comprehensive support from the United States.

Under no foreseeable conditions must we become involved in another ground war in Asia. There is no evidence to suggest that the Nixon administration is considering any such course.

But I do agree with Senator MANSFIELD that it would be in the best interests of both our Nation and President Nixon, were he to give the American people a thorough and comprehensive report as to just how deep our commitments are to the Kingdom of Laos.

Undoubtedly, the situation in Laos is deteriorating. I am not convinced that the situation in South Vietnam has improved to the extent that some of our leaders contend.

The full implications of our involvement in Indochina are not yet apparent.

In the field of foreign affairs, the Senate has a joint obligation with the President.

In war, we can have only one commander in chief, but in formulating policies and programs which could lead toward war—or away from war—the Senate and the President must act together.

The first step insofar as Laos is concerned is to admit frankly that we are heavily involved there.

From that admission—and once the facts are laid on the table—an appropriate course of action may be evolved.

I hope that I am too pessimistic in regard to the problems which face us in Indochina.

But I end with a paragraph from a speech I delivered in the Senate of the United States 3 years ago, on April 11, 1967:

Sooner or later, our nation may be faced with grave decisions regarding Laos and Cambodia.

The time of decision seems to be drawing nigh.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Virginia yield?

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Does the Senator from Virginia yield to the Senator from Montana?

Mr. BYRD of Virginia. I am delighted to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, referring to the remarks on the first page of the well-thought-out and cogent speech just made by the distinguished senior Senator from Virginia, he states:

The facts are that during the past three or four years, the United States has been much more deeply involved in Laos than it publicly admits.

I agree with that statement but I am quite certain, from the administration's point of view, that they had valid reasons for conducting themselves as they did. However, I think, in view of recent escalation, and the tremendous amount of publicity which has been generated about Laos over the past several weeks, that now would be a good time for someone high in the administration to make a statement to the American people. There is need for a speech, if you will, outlining the situation; because, as the Senator has pointed out, it is common knowledge now and I think the sooner the cards are laid on the table, the better it will be for all concerned.

If this is not done, and there is no accommodation between the State Department and the Committee on Foreign Relations vis-a-vis the Symington hearings, then I think that the suspicions among the people will increase. Serious questions will be raised which could be met now through a two-pronged effort; that is, a speech or statement by someone high in the administration and at the same time the reaching of an accommodation between the State Department and the Committee on Foreign Relations vis-a-vis the Symington hearings.

The Senator also says:

Under no foreseeable conditions must we become involved in another ground war in Asia.

I agree completely. I think that we have engaged in two ground wars in Asia; Korea, which should have taught us a lesson—at its conclusion I thought that it had; and Vietnam, which was a mistake from the beginning and is now a continuing tragedy. Vietnam is an area in which this country has suffered in casualties 350,000 dead and wounded, and the end is not in sight.

The negotiations in Paris are at a standstill. The light at the end of the tunnel has still to be seen.

With reference to a ground war, the Senator from Virginia further says:

There is no evidence to suggest that the Nixon administration is considering any such course.

I agree completely with that statement.

Then toward the end of his speech, the Senator says:

The full implications of our involvement in Indo-China are not yet apparent.

I agree.

Then he says:

In the field of foreign affairs the Senate has a joint obligation with the President.

I agree.

Then he says:

In war, we can have only one commander in chief, but in formulating policies and programs which could lead toward war—or away from war—the Senate and the President must act together.

I agree.

I would state that the national commitments resolution which the Senate passed last year—it was a Senate resolution only—which was reported by the Committee on Foreign Relations unanimously is something which must be taken into consideration at all times, because it is a declaration of intent on the part of the Senate, coupled with the Cooper-Church amendment which forbade the use of combat troops, GI's in Laos and Thailand.

Those two together underscore the constitutional relationship in foreign relations between the executive branch and the Senate. I am happy to recall to the Senate the fact that the day the Cooper-Church amendment was agreed to, forbidding the use of combat troops, GI's, in Laos and Thailand, the administration through its spokesman—and I think it is referred to in the RECORD—the administration on that day indicated that it favored fully the meaning of the Cooper-Church amendment.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

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

Mr. MANSFIELD. Mr. President, then the Senator says, "I hope that I am too pessimistic in regard to the problems which face us in Indochina." I share that hope. I am not happy about the situation there. It has cost this Government too much in the way of lives. It has cost too much in the way of resources which could be spent in easing the needs of our people, the problems of the cities, the problems of crime, drug addiction, pollution, and the like.

I only hope that this miserable war can be brought to a close as soon as possible.

I commend the President for reversing the ship and trying to get out, even if it is only a phased withdrawal. I hope that the withdrawals can be speeded up considerably.

I commend the Senator from Virginia (Mr. BYRD) for taking the floor to make this well-thought-out, cogent statement this afternoon.

Mr. BYRD of Virginia. Mr. President, I thank the majority leader. I want to say, in regard to the earlier comment of the distinguished Senator from Montana, that I recognize, as he so ably brought out, this is a very difficult matter for any administration to discuss with the public.

The Johnson administration faced this problem during the time it was in office, during which time our country was substantially involved in military ac-

tivity in the way of air activity in Laos.

The Nixon administration is facing the same touchy and difficult problem. It is a very delicate matter. It is a matter that needs to be carefully weighed, as no doubt the President and the Secretary of State and the Secretary of Defense are carefully weighing the matter.

It is a highly delicate situation affecting international relations.

But we have been involved there for so long, and it has been so apparent to the entire world, including the Soviet Union and our enemies, the North Vietnamese, that I think it is in the best interests of our Nation and the best interests of the people of the United States that these facts now be brought into the open. Prince Souvanna Phouma's statement of yesterday lends emphasis to this.

ADDITIONAL STATEMENTS OF SENATORS

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES

Mr. FULBRIGHT. Mr. President, I am greatly relieved and pleased that President Pompidou has returned safely to France.

I am also very glad that in spite of the air of hostility and criticism which was manifested toward him by a very small number of overzealous demonstrators, no physical harm to the President or any of his party or to the French Embassy occurred.

Personally I believe that President Pompidou made a favorable impression upon thoughtful Americans deeply concerned about the welfare of America. His public speeches and especially his private discussions revealed a man who had thought deeply about the very difficult problems which are threatening catastrophic conflicts in various parts of the world, and especially in the Middle East. His views are not popular among some in this country, but they represent French policy and are characterized by sophistication and an understanding of international relations rather than by emotion. His logical and rational approach was refreshing.

I commend President Nixon for the manner in which he received and treated the representative of the one country which, when we needed help in achieving independence, responded.

President Pompidou is an intelligent and able representative of his people.

THE SLAUGHTER OF AIRBORNE INNOCENTS

Mr. PELL. Mr. President, the recent murder of 47 innocent persons—seven of them citizens of the United States—on an Israel-bound airliner has outraged decent opinion the world over. These vicious acts cannot be allowed to continue. Strong measures are required.

I was dismayed by the response of certain international airlines, whose reaction to this atrocity was to do exactly what the apparent perpetrators wanted by banning mail and freight shipments to Israel.

Preventing future slaughters of the innocent is cause enough to act. But there are additional grave reasons to put a stop to these outrages. The Prime Minister of Israel, Mrs. Golda Meir, has warned that her government "will not tolerate" attacks on airliners bound for Israel. She has also said that either all airlines will operate unhindered to Middle East destinations, or none will. And we can all sympathize with and understand Mrs. Meir's position. We have seen in the past that Israeli warnings of this nature are not to be taken lightly. Unless there is strong action against future acts of sabotage this situation has frightening potential for escalating into a new round of large-scale warfare in the Middle East, which carries with it the most serious threat to world peace.

I urge the U.S. Government to join immediately with other affected nations to discuss what should be done. One step that should certainly be considered is the immediate suspension of landing rights for airlines based in states which harbor air saboteurs and hijackers and support them with funds and arms. Another is an international airline boycott of these states. A third is the immediate provision of governmental assistance for improved and necessarily expensive security measures by airlines serving Israel. Lastly, I urge the airlines which have banned freight and mail for Israel to reconsider their action.

Mr. President, it is not only the security of Israel that is at stake. Innocent people who are not by the largest stretch of the imagination in any way involved in the dispute between Israel and her Arab neighbors have been killed. This is totally unacceptable to me and to decent men everywhere.

DEMONSTRATIONS AGAINST PRESIDENT POMPIDOU'S VISIT

Mr. MILLER. Mr. President, yesterday's Washington Post carried a column by columnist Marquis Childs. He says what all of us have been thinking during the past several years about riots, violence, "unnegotiable demands" and all the rest.

The people of this country in my view—the law-abiding taxpaying citizens who are doing their best to provide for their families, bring up their children and live with some modicum of dignity—also have their unnegotiable demands, nonetheless real and vital to them even though they may be unexpressed.

I believe the unnegotiable demand of the great majority of our citizens is that this country, its democracy, its institutions and our way of life shall be preserved. This is not to say that the citizen is against change, but that he is for constructive change—reform—in accordance with the procedures evolved through nearly two centuries of successful demonstration of the noblest experiment ever tried by man. He is unalterably opposed to being controlled by a violent minority no matter how deep their feeling and, for that matter, no matter how right they believe their cause to be. Thus the militant protestors are making their ultimate suppression more certain than ever and this too—for it might take an anachronistic form itself, as recent history the world over has shown many times—we also must fear.

I feel strongly that this country is beset by real danger both on the far right and the far left; and our obligation is to steer a thoughtful, responsible middle course between these two irrational extremes. Therefore I was much heartened this morning to read Mr. Childs' thoughtful article in which he points out that the demonstrators almost invariably do their own cause greater harm than any other single event. In my opinion he was right on target.

Mr. President, I ask unanimous consent that Mr. Childs' perceptive article be inserted in the RECORD.

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

[From the Washington Post, Mar. 4, 1970]

PROTESTERS AGAINST POMPIDOU HAVE HARMED THEIR CAUSE

(By Marquis Childs)

NEW YORK.— The visit of President Georges Pompidou is, to put no finer point on it, a disaster. Even if it had not been for the deal to supply Libya with 110 jet fighter planes, the decision to make a state visit to the United States at this time was the initial folly.

In the era of demonstrations, violence and street bands, the day of the state visit is long since past. It is an anachronism that can generate nothing but trouble. The theory that the visit might produce closer ties with France, following on President Nixon's overture on his European tour, was down the drain with the announcement of the sale of the Mirage planes to Libya. It should have been possible to find a diplomatic way to postpone the visit, if not to cancel it.

The damage that has been done will take a long time to repair. The French president was, after all, a guest of the President of the United States. The resentment in France, regardless of individual feelings about the deal with the pro-Nasser regime in Libya, will cut right across the beginning effort to bring France back into the NATO fold.

The shouting, placard-carrying demonstrators ringing the Waldorf-Astoria have done their cause great harm. That President Nixon would grant Israel permission to buy jet fighters in this country has been taken for granted. The assumption has been that he would not talk about numbers but would issue a general statement asserting the need for Israel to maintain sufficient defensive strength in view of the Soviet Union's rearming of Egypt.

That decision now becomes more difficult. How long it will be delayed no one can say. But the President cannot seem to act in response to street demonstrations. And having to try to make up to Pompidou for what the French head of state felt were humiliating indignities will surely not soften the Nixon approach.

There could hardly be better proof of the futility—the wrong-headedness—of the demonstration tactic. They are an irritant or worse, exacerbating opinion in this country.

The reaction to the demonstrations and violence out of the trial of the Chicago Seven is another proof of how counterproductive this business is. Defense Attorney William Kunstler put it very well when in an almost hysterical telecast he said the swing to the right was becoming a stampede. And the conduct of the defense staff and their clients have contributed immeasurably to that stampede. The destruction and violence in and around the University of California campus at Santa Barbara as seen on the nation's television screens angers the average citizen.

The repercussions in foreign policy of the Pompidou fiasco are almost as damaging. Later this year the French president is going to Moscow on a diplomatic mission. The Soviet Union will go all out to do the honors. In however small a degree that will accentuate France's swing to the East.

Moscow and Paris can make common cause in the Middle East. Their common interest is oil. And, for the Soviets, penetration into the Mediterranean and beyond fulfills an ambition dating back to the czars.

That the United Nations is located here in this great city with its diverse and conflicting passions is in itself a misfortune. On several occasions the city has had to spend large sums of money protecting heads of government and foreign ministers here for U.N. sessions. The most conspicuous occasion was when Nikita Khrushchev came to the General Assembly to berate the United States and pound his shoe on his desk. The cost to the city to hold back the demonstrating mobs is said to have been $1,500,000.

France's wise ambassador to Washington, Charles Lucet, has understood from the outset the hazards in the state visit now ending with such unhappy consequences. A flood of abusive mail came into the embassy, including even threats on Pompidou's life. While Lucet could pass on his own concern he was powerless to stop the course of events long before set in motion.

The French president should be duly impressed by the action of the American President in coming to stand at his side and thereby counteract in part at least the unpleasantness of the massed demonstrations in Chicago and New York. It is a gesture bound to improve the Nixon image. By contrast, Mayor Lindsay, absenting himself from the city and playing puerile politics with the visit, looked childish.

There is one individual who is surely chortling over the whole unhappy episode. One can almost hear Gen. Charles de Gaulle at his retreat at Colombey les Deux Eglises saying, "This is just what I have always believed about America. I warned Pompidou. Now he is learning for himself." What an irony that Pompidou should have been moving away from the dictates of Le Grand Charles and correspondingly closer to France's once-close partner.

CENTER FOR THE ENVIRONMENT AND MAN

Mr. RIBICOFF. Mr. President, the deterioration in our environment is a matter of national concern. Across the country there is a new awareness of the effects of pollution. The Federal Government is beginning to deal with the problem, but much more research needs to be done. One of the most promising efforts in this direction was recently announced by the Travelers Insurance Co. and the University of Connecticut. Under an agreement announced March 2, 1970, the Travelers Research Corp. will be placed under the control of the university board of trustees and merged with the Center for the Environment and Man, Inc., in Hartford.

I was specially pleased to note that Dr. Thomas F. Malone, who has been chairman of the board of the research corporation and a senior vice president of the Travelers, will join the university staff as special consultant to the president on environmental problems and professor of physics. Dr. Malone is one of the most knowledgeable men in the country on environmental problems. His excellent counsel and leadership assure that this new organization will make a valuable contribution to the growing national dialog on the environment.

The expanded Center for the Environment and Man will study the problems caused by uncoordinated urban sprawl, air, water, and noise pollution, and exhaustion of our natural resources. In addition, the center will concern itself with social aspects of the human environment, including the delivery of health services and development of new systems of education.

With research grants and contracts totaling $2.25 million, a staff of 125 and assets of some three-quarters of a million dollars, the center will have the resources to tackle a broad range of problems effectively. I want to congratulate Governor Dempsey, the president of the university, Homer Babbidge, Jr., the president of Travelers, Roger Wilkins, and Dr. Malone on the establishment of this new research organization, and ask unanimous consent that their remarks on the occasion of the announcement be printed at this point in the RECORD.

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

REMARKS OF GOVERNOR DEMPSEY, CENTER FOR ENVIRONMENT, AND MAN

Today's announcement that the Center for Environment and Man, which has been operating as part of the Travelers Research Corporation, will now join the University of Connecticut is an outstanding example of partnership between the State and private enterprise for the common good.

It will be a distinct asset to the University for its faculty members and students to have access to the resources of the Center for Environment and Man.

Furthermore, this partnership will benefit all of the people by adding to our knowledge of environmental problems and methods of dealing with them.

Nothing less than the survival of mankind itself is at stake in the campaign to protect our environment. We have been told this over and over by qualified experts, and it is good to know that Connecticut is responding to these warnings with definite action.

Action—the development of an action-oriented program for environment protection—is what I have requested from the Environmental Policy Committee which I appointed early this year.

I assure the Center for Environment and Man that it can count on full cooperation from the Environmental Policy Committee under the direction of Dr. James Horsfall, and also from Commissioner Joseph N. Gill of the Department of Agriculture and Natural Resources.

It is indeed a happy circumstance that Dr. Thomas Malone of the Center for Environment and Man is also vice-chairman of the Environmental Policy Committee.

Dr. Malone's service to the state in the environment protection field goes back almost five years to the time when he graciously accepted appointment from me as chairman of the Clean Water Task Force.

Citizens of Connecticut, for generations to come, will have cause to be grateful for the success with which he undertook that vital assignment.

Fortunately, all of the people, persons in every walk of life, are beginning now to realize what Dr. Malone and others who share his expert knowledge and concern have known for a long time—that if we continue to abuse the environment by polluting the air, the water and the land, it can no longer serve us.

Halting this abuse will not be easy. It will require real sacrifices on the part of all of us. I am sure, however, that the more we know about the problem, about what needs to be done, and about the benefits to be derived, the more willing we will be to make the necessary sacrifices.

I view the Center for Environment and Man as an agency with special ability to provide us with that knowledge.

By transferring the Center to the University of Connecticut, the Travelers has shown a high degree of public spirit and an awareness that the responsibility for safeguarding the environment rests not with government alone, but with private interests as well.

With the utmost sincerity, I express my thanks to the Travelers, and my best wishes for a highly successful future to the Center for Environment and Man.

STATEMENT OF HOMER D. BABBIDGE, JR., PRESIDENT, UNIVERSITY OF CONNECTICUT

I am happy to announce that Dr. Thomas Malone, currently Senior Vice President of The Travelers Corp., has accepted a full-time appointment at the University of Connecticut as Professor of Physics and Special Consultant to the President on Environmental Problems.

There is little need for me to recite here his impressive qualifiactions to assume this role, nor to stress how fortunate the University is to gain access to his exceptional counsel.

It is also gratifying to me to contemplate a close relationship between the University and the Center for the Environment and Man, made possible by the announced action of The Travelers Corp. By establishing an independent non-profit Center for the Environment and Man with such substantial intellectual and material assets, and announcing its intention to entrust it to University-appointed Trustees, The Travelers Corp. has, at once, made a generous statement of its concern for the public good and cast a vote of confidence in our State University.

Dr. Malone's appointment and the Center's new status are among the most dramatic developments to date in the University's continuing effort to fulfill its obligations to contemporary society.

A committee of University students and faculty will soon be appointed to work with Dr. Malone in delineating our institutional role in the broad field of environmental studies. The committee will be responsible with Dr. Malone for developing recommendations with regard to the organizational form and basic directions our work should take. Funds with which to insure the success of this planning effort are being requested from the National Science Foundation.

Dr. Malone and the committee also will seek to develop appropriate interrelationships among the many persons and groups within the University already concerned with environmental studies and to develop new dimensions of growth. I anticipate that when these organizational questions and interrelationships have been defined, Dr. Malone will assume major administrative responsibility for University work in this field.

Finally, I should like to stress that our concern as a University for the environment, extends beyond the scientific study of our natural environment. Our concern has been and will continue to be to work toward improvement of the quality of life for *all* people in their social and natural environments.

REMARKS OF ROGER C. WILKINS

Governor Dempsey, President Babbidge, ladies and gentlemen: It is a pleasure to join you today in announcing plans for an environmental research study center to be affiliated with the University of Connecticut . . . and particularly to announce the contribution which we of The Travelers are making to this plan.

We have agreed in principle to transfer the resources of The Travelers Research Corporation to the Center for the Environment and Man which will be affiliated with the University. It is our hope that the Center will provide the nucleus of what will become a major scientific program for the study . . . and solution . . . of those problems which we now recognize are associated with what could be called "the successful society."

Our technology has gotten ahead of us. In our interest in generating economic growth, prosperity and the highest standard of living ever achieved in the history of man, we have produced some unpleasant, unpopular, and in some cases downright dangerous side effects, among them: pollution, traffic congrestion, urban overcrowding, and the like.

We are convinced that these side effects can be overcome . . . without sacrificing the standard of living or our major industrial achievements. But to do so calls for major research involving many highly specialized fields of study, plus the close cooperation of business, scientists, members of the community, and our representatives in government. An academic center, such as the University of Connecticut, is ideally suited to the role of directing such research, and coordinating the interests of all the people involved.

Our contribution . . . the nucleus to which I referred . . . involves current research grants and contracts outstanding with The Travelers Research Corporation of approximately $2.25 million . . . plus a staff of approximately 125 people, and assets of some three quarters of a million dollars. Included in these assets is the contribution which we have made in assembling and developing this research organization and its leadership.

In addition, we have agreed . . . I must say somewhat reluctantly . . . that it is only appropriate that Dr. Thomas F. Malone should continue to be affiliated with this research organization as he was instrumental in its development.

If it were not for the importance of the mission he will be undertaking . . . and for the fact that the University has graciously agreed to allow the Travelers Corp. to call upon him from time to time for counsel and advice . . . we would be far more reluctant to lose Dr. Malone as a Senior Vice President and Director of Research for our corporation. He is a man of exceptional talent, perception and organizational ability.

We believe that The Travelers will benefit as greatly as any other segment of our community, and of our society, from the work which the new center will now be undertaking.

REMARKS BY DR. THOMAS F. MALONE

On behalf of Dr. Robert Ellis and the professional staff that are leaving the cover of the Red Umbrella—to which we have developed a deep sense of affection and esteem—to join forces with the superb faculty, the fine student body, and the wise and mature adminstration of the University of Connecticut, may I simply say that the memories of a pleasant and productive past association are being augmented by the anticipation of the even broader opportunities we perceive to lie ahead.

Much more than a mere organizational realignment is involved in the circumstances that bring us together today. We have reached a time in the history of our land when the words of "America the Beautiful" have become a prod to our conscience and a challenge to our wisdom and imagination, rather than a song describing the country in which we live. This deepening perception of the environmental crises confronting our state and our nation is shared by the people of other nations. This mutuality of common self-interest presents us with literally unlimited opportunities to help in some small way to unify a troubled and divided world by a joint endeavor on practical problems urgently requiring early solutions.

The next thirty years will probably be the most critical segment of time within the next three million years or more that informed conjecture suggests Spaceship Earth will be habitable by man. We must learn to live in harmony and unity with the thin envelope of air, sunlight, water, land, mineral resources, and plant and animal life that surround our Earth and constitute the "broth of life" known as the biosphere. We cannot—we dare not—proceed along the thoughtless and reckless path of exploiting, insulting, and deleteriously altering our natural environment.

The sheer density—and the growth—of human population, the mastery of matter and energy, an explosively developing capacity to obtain, store, retrieve, and use information in extending the logic-performing functions and the stimulation capabilities of human intellect, and a more profound understanding of the fundamental processes of life itself—its reproduction and extension—present our generation with a unique opportunity to better the lot of *all* mankind—even as it poses the threat of destroying or altering in an intolerable fashion that same mankind.

Of rhetoric, resolutions, and revolt against man's mismanagement of our human environment we have had—and will yet have—more than enough to place and keep this topic high on our action agenda in the years that lie ahead. Our real need now is for the knowledge upon which the decisions of individuals, industry, and government can *act* to improve man's interaction with *both* his natural and his man-made environment.

But more than merely the acquisition of additional knowledge is needed. There is a desperate—an urgent—need for the synthesis of knowledge in the physical sciences, the life sciences, the social, behavioral and political sciences, and this synthesis must be effected within the framework of a searching reexamination of the ethical value systems which guide us in choosing from the many things we *can* do, those things we *should* do, if we are to achieve the harmony and unity with our environment that surely must have been intended as the destiny of man.

If our quest for quality in the human environment is to be fruitful, we must sharpen our ability to anticipate the consequences of scientific and technological innovations and ameliorate the vexing and potentially dangerous problems of unclean skies, polluted water, misuse of land, transportation links that kill and maim in a manner that dwarfs the toll of lives in all the wars of our nation's history, ghettoes and urban sprawl, clogged communications channels, the disposal of growing mountains of solid waste, the potential hazards of herbicides and pesticides, and the wanton exploitation of our Planet's limited supply of useful minerals. Indeed, many of the social aspects of the human environment seem to mock the pursuit of happiness so wisely set as an objective in our nation's constitution.

Why does this group of dedicated environmentalists that comprise The Travelers Research Corporation and the present Center for the Environment and Man welcome affiliation with the University of Connecticut, currently passing through the threshold to greatness? Basically, there are four persuasive reasons, as I see it, for this "coming together":

First, one of the prime functions of a state university is to educate. We want to be a part of that effort and believe we can make a strong contribution to it. A contemporary philosopher has remarked that the society which does not value trained intelligence is doomed. To solve—or, perhaps, more appropriately to manage—the problems of our human environment, we need trained intelligence of three kinds:

A concerned and environmentally literate citizenry;

A technically competent cadre of environmental professionals to manage the complex physical and social elements of the human environment in the public interest;

Environmental scientists of wisdom and imagination who are capable both of extending the frontiers of our knowledge and achieving the synthesis of that knowledge that is a prime factor in the quest for quality in human life.

A second function of a state university is to extend knowledge. We look forward with eagerness to a productive cooperation with faculty and with students at all levels interested in research related to the global, regional, and human settlement problems of our environment.

A third function of a university is public service. The magnificent accomplishments of our land grant universities in improving agricultural productivity over the past century augur well for a contribution of comparable magnitude and importance in attacking the environmental.

A fourth function—and one of increasing interest to students, faculty, and administration as well as society at large—is to serve as "agents of change." It is very likely that totally new institutions will be required to be responsive to the environmental problems at the state and regional levels, at national levels and at the international level. The thoughtful design, development, and refinement of these institutions would appear to be an exciting, rewarding, and fruitful endeavor of the combined strengths and diverse talents of the University and the Center for the Environment and Man.

The "agreement in principle" announced today is just the beginning of a long and winding road beset with many headaches and—probably—a few heartaches. Let us make that beginning, however, secure in our conviction that the quest for quality in our human environment *can* be successfully pursued.

EDUCATIONAL REFORM

Mr. PELL. Mr. President, I have reviewed the recent message transmitted to the Congress on educational reform and would compliment the President on some of his views, which in effect ratify some longstanding positions held by not only the chairman of the Subcommittee on Education but also virtually the full membership of the Senate, which recently passed by a vote of 80 to 0 H.R. 514, the Elementary and Secondary Education Amendments of 1969.

I say this for I find that while the President makes many interesting observations, there seems to be nothing very new in his message. Initially, I question his completely gloomy assessment of the past education programs and wonder whether the underfunding of education programs did not contribute to their limited success. If such was the case, the paradox of a veto of the HEW appropriations bill juxtaposed to the language in this message is one which is hard to reconcile.

No one can question the need for research. However, the lion's share of our limited Federal funding must continue to go into programs we must, I believe, be wary of a proliferation of studies which gather dust after being completed.

The right to read program is indeed being implemented and I would hope that

new funds rather than a reallocation of presently available funds are asked for.

I was especially pleased to note the President's recommendation for a Commission on School Finances, for section 808 of H.R. 514 specifically provides for such a commission. I think Congress should be given a little credit for our foresight in this area.

MOYNIHAN MEMORANDUM ON RACE RELATIONS

Mr. ALLOTT. Mr. President, a minor furor has followed the publication of a memorandum on race relations written by Dr. Daniel P. Moynihan and intended for the President.

The debate about the contents of the memorandum, which will surely continue for some time, has been partly overshadowed by Dr. Moynihan's vigorous and altogether justified objections to the way the memorandum came into the public print.

Dr. Moynihan has strongly hinted that the document was stolen and leaked to the media.

If this is true—and I see no reason to doubt it—then Dr. Moynihan and President Nixon have been done a grave disservice. I also hope the President will take strong action to find out who is stealing his mail.

There is no reason in the world why public officials should not be allowed to correspond in complete confidence concerning sensitive matters of public policy. This is necessary if we are to have the benefit of candid exchanges of opinion within the Government.

What makes the flap over the Moynihan memorandum hard to understand is that much of what Dr. Moynihan expressed is not unpallatable. Indeed, it is cause for some satisfaction.

Dr. Moynihan states that "the American Negro is making extraordinary progress." He cites important and encouraging facts about employment, income, and educational trends within the Negro community.

But Dr. Moynihan is not a complacent man, and he is not suggesting that any American should be complacent about the struggle for racial justice. He understands that much remains to be done.

Indeed, the Moynihan memorandum documents the fact that Negro progress is insufficient relative to the progress of the rest of the American population. Dr. Moynihan also emphasizes that Negro progress is not uniform around the Nation, with the South being a special problem.

Further, the memorandum contains some sobering remarks on the problem of the breakdown of the Negro family structure. It was the famous Moynihan Report of the early 1960's which first spelled out the scale and consequences of this problem.

That pioneering work aroused some antagonism. But Dr. Moynihan stuck to guns, insisting that there are important facts which must be faced even when facing them is difficult.

The Nation has benefited in the past from Dr. Moynihan's combination of insight and steadfastness. It is certain that a man of his demonstrated courage will not allow himself to be intimidated by noise that has followed his latest contribution to clear thinking.

Mr. President, we all have much to learn from the sort of thinking—and rethinking—Dr. Moynihan is doing on these difficult problems. I hope the media will join this learning process.

Dr. Moynihan argues that the white silent majority has a black counterpart but the existence of this large and moderate group has gone unreported by the American media. This is so because the media are constantly searching for extremists and social pathologies which generate large headlines and spectacular film footage.

All Dr. Moynihan is asking is that the media and the Government pay a little attention to this black silent majority. As Dr. Moynihan says, "The more recognition we can give to it, the better off we all shall be."

With regard to Dr. Moynihan's criticism of media coverage of matters concerning race, it is important to note that the media have not distinguished themselves in covering his memorandum.

There has been entirely too much attention paid to Dr. Moynihan's use of the words "benign neglect."

These words have been taken out of context. Dr. Moynihan's words on this matter deserve quoting at length:

> The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which racial progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics or whatever.

Mr. President, I can not find a single word in that statement that is objectionable. On the contrary, the whole statement is very nearly self-evident truth.

Just to help undo some of the damage done by careless media coverage of this passage, let us pause to notice exactly what it does and does not say.

First, Dr. Moynihan is not calling for anything that is not benign.

Second, he is calling for benign neglect of race as an inflammatory issue. He is not calling for neglect of genuine racial problems.

Third, he thinks serious thought is impeded by the attention lavished on posturing extremists. Dr. Moynihan is asking that we lower our voices on the matter of race. This is an exemplary request.

Mr. President, there are many things that make Dr. Moynihan a valuable public servant—his openmindedness, his compassion, his blend of high scholarship, and practical wisdom.

But above all, Dr. Moynihan is to be valued for his immunity from dogmatic slumbers. He is a candid man in an age that does not have an abundance of candor.

It is well known that Dr. Moynihan is not a Republican. But it is especially proper for Republicans to salute Dr. Moynihan for the way he acts in the spirit of Abraham Lincoln.

He does this in two ways.

First, he is devoting much of his life to helping realize the great American dream—the dream of a harmonious multiracial republic.

Second, in working for that goal, Dr. Moynihan is faithful to the words of Lincoln, who said:

> The dogmas of the quiet past are inadequate to the stormy, stormy present. The occasion is piled high with difficulty and we much rise to the occasion. As our case is new, so we must think and act anew. We must disenthrall ourselves.

All Dr. Moynihan is asking is that we disenthrall ourselves from the dogmas of the past. As Dr. Moynihan understands, our future will be less stormy if our thinking is less dogmatic.

I ask unanimous consent to have printed in the RECORD, Dr. Moynihan's memorandum and an editorial on the subject.

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

[From the New York Times, Mar. 1, 1970]

TEXT OF THE MOYNIHAN MEMORANDUM ON THE STATUS OF NEGROES

As the new year begins, it occurs to me that you might find useful a general assessment of the position of Negroes at the end of the first year of your Administration, and of the decade in which their position has been the central domestic political issue.

In quantitative terms, which are reliable, the American Negro is making extraordinary progress. In political terms, somewhat less reliable, this would also appear to be true. In each case, however, there would seem to be countercurrents that pose a serious threat to the welfare of the blacks and the stability of the society, white and black.

1. EMPLOYMENT AND INCOME

The nineteen-sixties saw the great breakthrough for blacks. A third (32 per cent) of all families of Negro and other races earned $8,000 or more in 1968 compared, in constant dollars, with 15 per cent in 1960.

The South is still a problem. Slightly more than half (52 per cent) of the Negro population lived in the South in 1969. There, only 19 per cent of families of Negro and other races earned over $8,000.

Young Negro families are achieving income parity with young white families. Outside the South, young husband-wife Negro families have 99 per cent of the income of whites! For families headed by a male age 25 to 34, the proportion was 87 per cent. Thus, it may be this ancient gap is finally closing.

Income reflects employment, and this changed dramatically in the nineteen-sixties. Blacks continued to have twice the unemployment rates of whites, but these were down for both groups. In 1969, the rate for married men of Negro and other races was only 2.5 per cent. Teen-agers, on the other hand, continued their appalling rates: 24.4 per cent in 1969.

Black occupations improved dramatically. The number of professional and technical employes doubled in the period 1960–68. This was two and a half times the increase for whites. In 1969, Negro and other races provided 10 per cent of the other-than-college teachers. This is roughly their proportion of the population (11 per cent).

2. EDUCATION

In 1968, 19 per cent of Negro children 3 and 4 years old were enrolled in school, com-

pared to 15 per cent of white children. Forty-five per cent of Negroes 18 and 19 years old were in school, almost the equal of the white proportion of 51 per cent. Negro college enrollment rose 85 per cent between 1964 and 1968, by which time there were 434,000 Negro college students. (The total full-time university population of Great Britain is 200,000.)

Educational achievement should not be exaggerated. Only 16 per cent of Negro high school seniors have verbal test scores at or above grade level. But blacks are staying in school.

3. FEMALE-HEADED FAMILIES

This problem does not get better, it gets worse. In 1969, the proportion of husband-wife families of Negro and other races declined once again, this time to 68.7 per cent. The illegitimacy ratio rose once again, this time to 29.4 per cent of all live births. (The white ratio rose more sharply, but was still only 4.9 per cent.)

Increasingly, the problem of Negro poverty is the problem of the female-headed family. In 1968, 56 per cent of Negro families with income under $3,000 were female-headed. In 1968, for the first time, the number of poor Negro children in female-headed families (2,241,000) was greater than the number in male-headed families (1,947,000).

4. SOCIAL PATHOLOGY

The incidence of anti-social behavior among young black males continues to be extraordinarily high. Apart from white racial attitudes, this is the biggest problem black Americans face, and in part it helps shape white racial attitudes. Black Americans injure one another. Because blacks live in de facto segregated neighborhoods and go to de facto segregated schools, the socially stable elements of the black population cannot escape the socially pathological ones. Routinely, their children get caught up in the antisocial patterns of the others.

You are familiar with the problems of crime. Let me draw your attention to another phenomenon, exactly parallel, and originating in exactly the same social circumstances: Fire. Unless I mistake the trends, we are heading for a genuinely serious fire problem in American cities. In New York, for example, between 1956 and 1969 the over-all fire alarm rate more than tripled, from 69,000 alarms to 240,000. These alarms are concentrated in slum neighborhoods, primarily black. In 1968, one slum area had an alarm rate per square mile 13 times that of the city as a whole. In another, the number of alarms has, on an average, increased 44 per cent per year for seven years.

Many of these fires are the result of population density. But a great many are more or less deliberately set. (Thus, on Monday, welfare protestors set two fires in the New York State Capitol.) Fires are in fact a "leading indicator" of social pathology for a neighborhood. They come first. Crime, and the rest, follows. The psychiatric interpretation of fire-setting is complex, but it relates to the types of personalities which slums produce. (A point of possible interest: Fires in the black slums peak in July and August. The urban riots of 1964–1968 could be thought of as epidemic conditions of an endemnic situation.)

5. SOCIAL ALIENATION

With no real evidence, I would nonetheless suggest that a great deal of the crime, the fire-setting, the rampant school violence and other such phenomenon in the black community have become quasi-politicized. Hatred—revenge—against whites is now an acceptable excuse for doing what might have been done anyway. This is bad news for any society, especially when it takes forms which the Black Panthers seem to have adopted.

This social alienation among the black lower classes is matched and probably enhanced, by a virulent form of anti-white feeling among portions of the large and prosperous black middle class. It would be difficult to overestimate the degree to which young, well-educated blacks detest white America.

6. THE NIXON ADMINISTRATION

As you have candidly acknowledged, the relation of the Administration to the black population is a problem. I think it ought also to be acknowledged that we are a long way from solving it. During the past year, intense efforts have been made by the Administration to develop programs that will be of help to the blacks. I dare say, as much or more time and attention goes into this effort in this Administration than any in history. But little has come of it. There has been a great deal of political ineptness in some departments, and you have been the loser.

I don't know what you can do about this. Perhaps nothing. But I do have four suggestions.

First. Sometime early in the year, I would gather together the Administration officials who are most involved with these matters and talk out the subject a bit. There really is a need for a more coherent Administration approach to a number of issues. (Which I can list for you, if you like.)

Second. The time may have come when the issue of race could benefit from a period of "benign neglect." The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which Negro progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroics, histrionics or whatever. Greater attention to Indians, Mexican-Americans and Puerto Ricans would be useful.

A tendency to ignore provocations from groups such as the Black Panthers might also be useful. (The Panthers were apparently almost defunct until the Chicago police raided one of their headquarters and transformed them into culture heroes for the white—and black—middle class. You perhaps did not note on the society page of yesterday's Times that Mrs. Leonard Bernstein gave a cocktail party on Wednesday to raise money for the Panthers. Mrs. W. Vincent Astor was among the guests. Mrs. Peter Duchin, "the rich blonde wife of the orchestra leader," was thrilled "I've never met a Panther," she said. "This is a first for me.")

Third. We really ought to be getting on with research on crime. We just don't know enough. It is a year now since the Administration came to office committed to doing something about crime in the streets. But frankly, in that year I don't see that we have advanced either our understanding of the problem, or that of the public at large. (This of course may only reveal my ignorance of what is going on.)

At the risk of indiscretion, may I put it that lawyers are not professionally well equipped to do much to prevent crime. Lawyers are not managers, and they are not reseachers. The logistics, the ecology, the strategy and tactics of reducing the incidence of certain types of behavior in large urban populations simply are not things lawyers think about often.

We are never going to "learn" about crime in a laboratory sense. But we almost certainly could profit from limited, carefully done studies. I don't think these will be done unless you express a personal interest.

Fourth. There is a silent black majority as well as a white one. It is mostly working class, as against lower middle class. It is politically moderate (on issues other than racial equality) and shares most of the concerns of its white counterpart. This group has been generally ignored by the Government and the media. The more recognition we can give to it, the better off we shall all be. (I would take it, for example, that Ambassador [Jerome H.] Holland is a natural leader of this segment of the black community. There are others like him.)

[From the Evening Star, Mar. 3, 1970]

THE MOYNIHAN MEMORANDUM

It is not exactly clear how the private communication between Daniel P. Moynihan and President Nixon on the status of Negroes in American society wound up in the public domain. Somehow it came into the possession of a newspaper, which decided that the document constituted news fit to print—and that was that.

It can, however, be deduced that, whoever was responsible, it wasn't Moynihan. At a press conference following publication, Moynihan was obviously steaming. Had he known, he said, that the document was going to be "stolen or borrowed or leaked" he would have taken the trouble to explain that term "benign neglect" in its historical context.

Moynihan's anger is understandable. No one likes to think that his private correspondence—even a note to the President—is subject to national distribution. Besides, it is probable that had Moynihan been writing for publication, the prose would have been somewhat more polished. The document was only about 100 percent above the average literary quality of governmental prose, instead of the 200 or 300 percent one has come to expect of Moynihan.

But there is nothing in the substance of the memorandum to distress anyone, including the author. The term "benign neglect"—in or out of its historical context—is perhaps not outstandingly felicitous. The problems of race should not truly be neglected by any administration, benignly or otherwise. The memo made that fact clear by its statistical catalogue of continuing Negro problems. But the thrust of Moynihan's argument—that this society might benefit from a relaxation of its fixation on the problems of race—is a suitable topic for intra-governmental discussion.

There is considerable food for thought in Moynihan's contention that the total society would benefit from a studied disregard of the more paranoid elements of the black activist movement and the fanatic white supremacists. And it is hard to fault his thesis that progress toward full equality for all races would be accelerated if those who yell the loudest about race would shut up.

Perhaps the outstanding characteristic of the memo was its typical Moynihanian disdain of euphemism. It is a trait that has ruffled feathers on a number of previous occasions. But whether or not one agrees with all of Moynihan's conclusions, it is good to know that the President has men about him who call the shots as they see them, and that he encourages them to pass their uncosmetized opinions directly to him.

NEGOTIATIONS AND PROSPECTS FOR PEACE IN VIETNAM

Mr. FULBRIGHT. Mr. President, the Philadelphia Bulletin of February 22 contains an interesting article by former Assistant Secretary of State Roger Hilsman concerning North Vietnam's and the NLF's negotiating position and the prospects for peace in Vietnam.

According to Mr. Hilsman, recent signals seem to add up to the following offer:

No election, but an old-fashioned political deal setting up a coalition government

including representatives of all political factions, Communist and non-Communist;

Although their propaganda still calls for immediate total withdrawal of American troops, privately they have indicated the withdrawal could be phased over two or three years;

Postponement of the reunification of North and South Vietnam for a period of between five and ten years;

International guarantees of the territorial integrity of Laos and Cambodia.

This analysis bears out recent similar reports from other sources and, if correct, presents the administration with an opportunity and a challenge to initiate serious negotiations in Paris. There have been all too many chances for peace ignored or rejected during the history of this tragic war.

Mr. Hilsman concludes the article with this warning:

And if the professional Communist-watchers are right in believing that the Communists are offering an acceptable deal, his (President Nixon's) rejection of their proposal may be as tragic as the decision to make Vietnam an American war in the first place.

Mr. Hilsman's analysis of North Vietnam's and the NLF's current posture is similar to that put forward in early February by Dr. Leslie Gelb, a former high official of the Defense Department, presently with the Brookings Institution.

In a letter to the editor appearing in the New York Times on February 1, Dr. Gelb also expressed the belief that Hanoi and the NLF had put forward a new negotiating position. After analyzing the new position, Dr. Gelb went on to suggest how it might provide an opening for a comprehensive new American proposal dealing with troop withdrawals, direct political talks between Saigon, Hanoi, and the NLF, and the return of American prisoners of war.

Dr. Gelb pointed out that his proposal was consistent with the President's past positions on Vietnam. He concluded his letter with this observation, in which I concur:

We should not consider the Paris peace talks a forgotten chapter of the war. President Nixon's objective of free self-determination and Hanoi's objective of full U.S. withdrawal are not mutually exclusive.

If there is any possibility that something might come of an exploration of the viewpoints suggested by Mr. Hilsman and Dr. Gelb, such an effort is well worth making. If Hanoi and the NLF do not respond favorably we will have lost nothing. On the other hand, there could be no greater tragedy than passing up an opportunity to end the war.

I ask unanimous consent that Mr. Hilsman's article, Dr. Gelb's letter and an accompanying New York Times editorial be placed in the RECORD at this point.

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

[From the Philadelphia (Pa.) Bulletin Feb. 22, 1970]

NIXON APPEARS TO BE REBUFFING RED OFFER OF PEACE IN VIETNAM

(By Roger Hilsman)

(NOTE.—The author of this article is a former Assistant Secretary of State for Far Eastern Affairs, and is presently professor of government at Columbia University.)

New York—President Nixon is rebuffing a Communist offer of a more-or-less immediate Vietnam peace on terms that many Americans might find perfectly acceptable.

This is the puzzling, and unhappy, conclusion I have reached after private contacts with North Vietnamese diplomats and after studying both public and private signals which the Communists have been sending out in recent months.

Other Communist watchers, including W. Averell Harriman, the former American peace negotiator in Paris, have come to the same conclusion.

WITHDRAWALS SCHEDULED

Meanwhile, there is increasing evidence that "Vietnamization" of the war is going forward at a much slower pace than is generally expected and believed.

The best information in Washington is that President Nixon plans to reduce American forces in Vietnam very gradually in 1970 to about 280,000 to 300,000 men. Then, in 1971, he plans only a relatively small further reduction to about 250,000 men.

In 1972, the election year, he will bring home another 50,000 to 75,000 men, and just before the election he can announce a decision to withdraw another 50,000 to 75,000.

SHREWD POLITICS

This is shrewd politics, but the consequences are great. The monetary cost of the war under Nixon program will be high—something between $50 and $100 billion. Much more important, however, is the foreseeable cost of the program in American lives.

Although the President's plan will mean a reduction in casualties, we can expect another 5,000 to 10,000 Americans to be killed in the three-year period. And it might be many more than that.

For the fact is that the Nixon plan is a decision to continue the war in Vietnam, not to end it. When all the reductions he is reportedly planning have been made, there will still be between 100,000 and 150,000 American troops in Vietnam.

NOT THE ONLY WAY

And this means that, although it may not come for a year or even two, eventually the North Vietnamese and the Viet Cong will be forced into launching a major offensive aimed directly at the Americans.

This snail's-pace Vietnamization is not the only course available to Mr. Nixon. For more than a year, the Communist side has been sending what the Communist-watchers call signals. Sometimes these signals are direct and straightforward, but private—put out, for example, not officially, but in one of the "tea-break" conversations of the Paris negotiations. Others are contained in subtleties of language that laymen find confusing, but which are meaningful to professional Communist-type watchers.

An example is the letter from the late Ho Chi Minh to President Nixon written just before Ho's death last September. In the past, Communist practice had been to describe the so-called "ten points" of the NFL peace proposal as the only possible solution.

SHIFT NO ACCIDENT

But, in his letter, Ho refers to them as "a logical and reasonable basis for the settlement of the Vietnamese problem." If past experience with the Communists is any guide, the shift from "the" to "a" and from words like "only possible solution" to "basis for a settlement," is not accidental.

In the opinion of a number of professional Communist-watchers, what these signals add up to is the following offer:

—No election, but an old-fashioned political deal setting up a coalition government including representatives of all political factions, Communist and non-Communist;

—Although their propaganda still calls for immediate total withdrawal of American troops, privately they have indicated the withdrawal could be phased over two or three years;

CAMBODIA'S INTEGRITY

—Postponement of the reunification of North and South Vietnam for a period of between five and ten years;

—International guarantees of the territorial integrity of Laos and Cambodia.

"One interesting point is that the Communist side told Harriman, when he was chief negotiator in Paris, that after the war was over, they would like to exchange ambassadors with Western nations, including the United States.

Pointing to the fact that they have friendly relations with the French in spite of their long struggle for independence, they said that they would like to do the same with the United States.

What is particularly unusual is how far the Communist side has gone in their public signals, making concessions that for reasons of negotiating tactics they would normally reserve for later use.

The most startling of all was the public statement by the Paris representative of the NLF, Mrs. Nguyen Thi Binh, on November 14. The NLF has refused to do business with the Thieu-Ky government, and everyone in Washington supposed they would deal only with some pliable pro-Communist.

But Mrs. Binh stated that if General "Big" Minh became the head of a peace cabinet in Saigon, "we are ready to begin conversations with him." Although "Big" Minh has hinted that he is willing to negotiate with the Communists, he is certainly neither pro-Communist nor a dove. On the contrary, he is the most senior and popular general in the South Vietnamese army, and the leader of the 1963 coup against the hated Diem regime.

WILLINGNESS TO DEAL

A willingness to deal with Minh is an extraordinary concession, since he could form a non-Communist government far more representative and popular than the present Thieu-Ky government, and hence one that would carry much more weight in negotiations and in any coalition government that followed.

Although there is some difference of opinion about the exact nature of the coalition government the Communists are proposing, there is no doubt that they are offering a deal.

Harriman, the most prestigious Communist-watcher of them all, is convinced that if President Johnson had accepted the advice given him in the summer of 1968, a peace settlement could have been achieved as early as September, 1968. And he thinks Mr. Nixon has the same sort of opportunity.

INTERESTING POINT

The interesting point is why the Communist side is offering such a deal.

It is very doubtful that Hanoi and the NLF have decided they won't win. Although they may be poorly informed on some aspects of American politics and excessively suspicious, there is reason to believe that they can read the political signs in the United States well enough to know that President Nixon will find it impossible to return to a policy of escalation in Vietnam and that even keeping American air and artillery forces there may become politically difficult for him.

In the second place, there is no reason to believe either that the Communist side doubts that they will prevail over the Saigon government once the United States departs or that they are wrong in that judgment.

WASHINGTON OPTIMISM

Currently there is an upsurge of optimism in Washington about the ability of the Vietnamese to fend for themselves because the statistical indicators are favorable. The trouble is that the gains highlighted by the statistical indicators are very fragile, and

most of them have been possible only because the North Vietnamese forces have pulled back for the political purposes of signalling a willingness to negotiate and in response to Mr. Nixon's reduction of American troops.

The North Vietnamese can dramatically reverse all these indicators by a decision to launch an offensive, or less dramatically by a decision to attack the pacification effort itself.

So why are Hanoi and the NLF so interested in a settlement based on a coalition government, if things will eventually go their way no matter what? Why don't they simply settle down themselves to a long-haul, low-cost war? I think it is because of Communist China.

THEY'RE DETERMINED

Hanoi has so far maintained its independence of China, even to the extent of going to Paris for the negotiations against Chinese advice and in the face of some very concrete measures of a punitive nature that China took against them. And it seems perfectly clear that the North Vietnamese are fiercely determined to continue to maintain their independence.

If the motive for their signals is related to their fear of China, this would explain a number of things.

In the first place, a negotiated settlement, formally signed by 13 or 14 signatories (depending on whether China does or does not sign) would act as a potent political deterrent to China whether or not its provisions include teeth in the form of international police forces or the like.

The Chinese have other goals than Vietnam, and they are political enough to understand the consequences for those other goals of a blatant violation of an agreement signed by so many of the world's powers, both Communist and non-Communist.

A WESTERN STAKE

Second, if North Vietnam maintained friendly relations with Western powers it would provide a Western stake in Vietnam and a Western presence there that would also act as a deterrent to China. A phased withdrawal of American troops would make the point even more dramatically, and a postponed reunification would be both a concession and a way of providing time for healing wounds and thus eventually presenting both China and the world with a Vietnam that is more truly united.

And if the motive is China, there are also several implications that are important to the United States. It means, for example, that there is little basis for Mr. Nixon's fear of a blood bath following the installation of a coalition government—a fear that was the foundation stone of the Vietnamization policy laid down in his November 3 speech.

If the Communist side does in the end become dominant in a coalition government, some individuals will undoubtedly be tried as war criminals—such as the secret police chief who shot a suspect in front of an American camera.

SETTLE OLD SCORES

Also, in some villages, where conditions are chaotic, there will undoubtedly be individuals, both Communist and non-Communist, who will take the opportunity to settle old scores.

But if the Communists want to maintain their independence of China, they will not want a blood bath but a reconciliation. For if China is a problem, they will need to develop support among non-Communist elements of the population as well as Communist.

For the same reason, the Vietnamese Communists have a stake in maintaining the sympathies of the outside world, non-Communist as well as Communist, which any sort of blood bath would jeopardize—and certainly so if Western ambassadors were present in the country. For all these reasons it seems likely that the official policy will be one of no reprisals.

WHAT PROFESSORS SAID

The expectations of Vietnamese who would be prime targets of any reprisal are instructive. Last year I asked 12 different non-Communist or anti-Communist Vietnamese professors and university officials what they would do if the Paris negotiations resulted in a coalition government and sessions of self-* * * communist-dominated—would they go to Paris? To the United States? Each one answered that he expected not only to remain in Vietnam but to continue in his university post.

"But what about reprisals?" I would ask in some amazement.

"Oh," the reply went, "there will be some harassment and sessions of self-criticism. But I expect to go on teaching, and to draw my salary."

What all this suggests is that although one may not be inclined to trust what the Communists are saying, there seems to be solid political pressure on them on which one can rely. It is these pressures which lead them to want a settlement rather than simply to wait for Vietnam to fall in their laps.

NUMBER OF MISGIVINGS

As for the Nixon policy of Vietnamization, experienced observers have a number of misgivings. The most important is doubt that it will work. It hardly seems realistic to believe that Saigon can prevail against the combined strength of the Viet Cong and the North Vietnamese alone.

WE SHOULD ASK

Admittedly, it might turn out that in spite of their signals, what the Communist side has in mind for a coalition government is unacceptable.

If so, the Nixon policy may be a better policy than the other possibilities. But the point is that we will never know if we don't take at least the first step—that of asking the Communist side in Paris to be specific.

It is this that Mr. Nixon refuses to do. And if the professional Communist-watchers are right in believing that the Communists are offering an acceptable deal, his rejection of their proposal may be as tragic as the decision to make Vietnam an American war in the first place.

[From the New York Times, Feb. 1, 1970]

HANOI'S TERMS AT PARIS PEACE TALKS

To the EDITOR:

Since last May, two "legitimate demands" have constituted the core of Hanoi's terms for settling the war: (1) The "total and unconditional" withdrawal of all U.S. and allied forces, and (2) the formation of a provisional coalition government made possible, in effect, by U.S.-North Vietnamese negotiations at Paris. In sum, we were supposed both to make a commitment to get out and to dump the Thieu-Ky regime.

In September, Hanoi hinted at a shift. Their negotiators stated in Paris that acceleration of U.S. withdrawals would be "taken into account," and when quizzed about the reduced level of military activity in South Vietnam, they said that "it speaks for itself." At about this same time, U.S. officials observed that North Vietnamese infiltration declined, resulting in a reduction of forces approximately equal to U.S. withdrawals.

On Dec. 18, Ha Van Lau said:

"If the United States declares the total and unconditional withdrawal from South Vietnam of its troops and those of the other foreign countries in the U.S. camp within a six-month period, the parties will discuss the timetable of the withdrawal of these troops and the question of insuring the safety for such troop withdrawal."

In this same statement, he said that once the above requirement is fulfilled, the various forces for peace in Vietnam "will enter into talks to set up a provisional coalition government. . . ." Seemingly Hanoi expects the latter to happen; it does not have to be negotiated at Paris.

What might all this mean?

1. For the first time Hanoi has told us how to meet the "total and unconditional withdrawal" requirement—by announcing it publicly.

2. The key to the announcement is the certainty that by a specified date all of our troops will be withdrawn.

3. While Hanoi says six months, this could be read as a bargaining gambit. Xuan Thuy said that the U.S. "must accept the principle of withdrawal, then put it into practice," and that some U.S. forces could remain in South Vietnam even as late as the elections to be conducted by the provisional coalition government.

4. Hanoi's "total and unconditional" phrase remains, raising the question as to what we might get in return for our withdrawal announcement. Hanoi backed away from this same phrase in October, 1968. When we stopped the bombing, Hanoi accepted the condition that the Government of South Vietnam be seated in Paris along with the National Liberation Front as part of a your-side-our-side arrangement. We also assumed and had reason to believe that Hanoi understood that it should "not take advantage" of our bombing cessation by shelling major cities and by abusing the DMZ. To a degree, Hanoi has lived up to our assumption of "no advantage."

This past experience is suggestive of what we could ask from Hanoi now. Politically, we might extract the condition that Hanoi and the N.L.F. agree to talk with the Government of Vietnam about political settlement. Militarily, we could give Hanoi to understand that we expect its forces in the South to be reduced accordingly, the level of military activity to decline, and require the return of all American POW's.

This proposal is not inconsistent with President Nixon's speech of May: "Peace on paper is not as important as peace in fact."

We should not consider the Paris peace talks a forgotten chapter of the war. President Nixon's objective of free self-determination and Hanoi's objective of full U.S. withdrawal are not mutually exclusive.

LESLIE H. GELB.

ALEXANDRIA, VA., *January 22, 1970.*

(NOTE.—The writer, former Acting Deputy Assistant Secretary of Defense for Policy Planning and Arms Control, worked on the Paris negotiations.)

[From the New York Times, Feb. 1, 1970]

PARIS PEACE OPENING

A high Pentagon official of the Johnson and early Nixon Administrations, who worked on the secret Paris negotiations on Vietnam, believes the North Vietnamese may now be trying to tell the United States how to break the deadlock in the peace talks.

The shift in Hanoi's position described in today's letter to the editor from Leslie H. Gelb, former Acting Deputy Assistant Secretary of Defense for Policy Planning and Arms Control, seems to provide an opportunity for the United States to employ again a device similar to that used in 1968 to get the negotiations going in the first place. Mr. Gelb's suggestion is that the United States inform Hanoi and Moscow privately that it will publicly announce a terminal date for withdrawal of all its troops if it can also announce that it assumes and has reason to believe the other side will comply with two conditions. These are: first that Hanoi and the National Liberation Front will promptly enter into negotiations with the Saigon Government for a political settlement and second, that North Vietnam will withdraw its forces from the South at the same rate as

the U.S., further reduce the level of military activity and return all American POW's.

President Nixon last May said: "If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurance that they will not return."

But, while asking questions about some of Hanoi's shifts of position, the Nixon Administration has refused to make any new proposals. It insists that it has already made so many concessions that the next offer must come from the other side.

If Mr. Gelb is right, North Vietnam has now conceded several points. The return of Politburo member Le Duc Tho to Paris from Hanoi Friday makes this a strategic moment to attempt to revitalize the negotiations. Hanoi's reaction to the Gelb proposal, if it were now advanced in Paris, would quickly reveal whether this can be done.

THE INVOLVEMENT OF THE UNITED STATES IN LAOS

Mr. PELL. Mr. President, the time for candor about the deepening involvement of the United States in Laos has obviously arrived. The American people have a right to a public accounting from the administration. They have a right to an official explanation of what we are doing there and why. They have a right to know what the intentions of the administration are. They have a right to know what the actual military situation in Laos is.

Certainly there have been some alarming reports in the press. We are told that hundreds of American warplanes are providing direct air support to a guerrilla army raised and financed by the CIA. This is all taking place in and around the Plain of Jars, scores of miles from the so-called Ho Chi Minh Trail where our bombing raids are said to be necessary to hinder North Vietnamese infiltration in South Vietnam.

I need not remind the Senate that our present tragic and seemingly endless involvement in South Vietnam began with intervention on a somewhat smaller scale than now seems to be the case in Laos. One clear lesson we should have drawn from Vietnam is that an increase in our own involvement leads inevitably to a similar increase by the other side. What will we do then?

We must ask ourselves just how vital are our interests in Laos and how much in lives and money we are willing to pay to preserve them. But we cannot answer these questions so long as the pertinent facts are kept behind a shield of official secrecy.

In short, Mr. President, the public and the Senate badly need a public statement of administration policy.

ROLE OF AGRICULTURE IN IMPROVING THE ENVIRONMENT

Mr. MILLER. Mr. President, Secretary of Agriculture Clifford M. Hardin, addressing the National Farm Institute in Des Moines on February 13, described the important role of agriculture in improving our environment.

The Secretary's significant address was particularly timely in that it followed by only 2 days the far-reaching message of President Nixon on the entire subject of the environment. Secretary Hardin's response to the President's challenge to all of us to summon "our energy, our ingenuity, and our conscience in a cause as fundamental as life itself" was directly to the point.

Both the American farmer and the U.S. Department of Agriculture have been engaged for decades in practices which enrich and protect our environment.

Since the dust bowl days of the 1930's, Secretary Hardin pointed out, more than two million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect—plans that involve three-quarters of a billion acres of land.

Yet, as the Secretary correctly observed, new technology has presented new problems affecting environmental quality. He cited the Department's determination to help solve these problems and outlined the policy objectives it is following to reach early solutions.

I believe the Secretary's speech merits the attention of all who are concerned with the agricultural aspects of environmental quality and I ask unanimous consent that it be placed in the RECORD.

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

ADDRESS BY SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

It may be concidence that we are meeting on Abraham Lincoln's birthday—but it is altogether fitting and proper. The Administration of our sixteenth President left significant marks on agriculture—for it was during those years that three lasting pieces of legislation came into being—the Morrill Act providing for the Land-Grant Colleges and Universities, the Act creating the United States Department of Agriculture, and the Homestead Act. Together they set the pattern for American agriculture. The Homestead Act resulted in the settling of half a continent and placed the management of our basic soil and water resources in the hands of independent free-hold farmers.

The 19th century brought progress and it brought exploitation. The century began with a patent for the first cast iron plow; it ended with the invention of the gasoline engine and the automobile.

Today we are very much aware that our technological advances which have done so much for us and for the world also are seriously offending and polluting our environment. The alarm has been sounded, and just the day before yesterday, President Nixon sent to the Congress a comprehensive 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order.

In view of the rising public concern and against the backdrop of the President's new initiatives, it is imperative that those of us with agricultural responsibilities re-think and re-assess the special role of agriculture.

As the President said in his message, "The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

Too often we have responded only to crisis. But when we have responded, sometimes the results have had far-reaching impact.

The Dust Bowl of the 1930's brought more progress in range management and dryland conservation than the preceding 50 years of Great Plains farming.

Widespread flooding in the Mississippi basin in 1951 and 1952 brought more support for watershed protection than did a generation of campaigning by conservationists.

A 5-year drought in the Northeast in the 1960's focused more public attention on urban water needs than did decades of talk about possible shortages.

A smog crisis in a few major cities has had a greater impact on public thinking than 50 years of steadily worsening air pollution.

A few seashore accidents have directed more attention to wildlife ecology than all the voices of all the naturalists since Audubon.

Urban congestion and related problems of squalor and crime have brought new interest in the need of people for recreation and open space.

When the first English settlers arrived in America, nature was the enemy. The forests seemed endless and foreboding. Winters were severe. Crops were uncertain.

At the same time, bird and animal life appeared infinite. Streams ran free of human waste, and certainly there was no thought of contamination of such great waters as the Hudson River and some of our Great Lakes.

We are no longer a few million people living a comparatively simple life. We are 204 million people living on a major scale. We must plan for another 100 million Americans and the pressures they will create at the same time as we attempt to deal with our existing environmental crises.

Our responsibility, as I conceive it, is to manage the environment for the widest range of beneficial uses, without degrading it, without risk to health or safety, without loss of future productivity, and without being tyrannized by pests.

Nature itself, without man's stewardship, has rarely been productive enough to meet man's needs—certainly not in the numbers in which we exist today and will exist in the future. Yet our resources must serve every economic and social need of mankind. The challenge is to maximize the productivity of the environment for both necessities and amenities and assure continued use into the very long future.

This requires an integrated approach to assure:

1. The necessities of life: Adequate food, fiber, shelter, and raw materials for industry.

2. The safety of man: Safe and adequate water, clean air, productive and safe soil held in place, sanitation, disease and pest control, the perpetuation of basic life processes.

3. A quality of life: Space to live, attractive surroundings, suitable habitat for plants and animals, outdoor recreation, and esthetic satisfaction.

The farmer, the rancher, and the forester are managers of an important share of these environmental values.

Nearly three-fifths of the Nation's land area is used to produce crops and livestock. More than one-fifth is ungrazed forest land. Thus the watersheds that sustain urban America are largely in farms and forests. And the Nation must look to the managers of these lands for most of its land treatment as well as management of its water supplies.

The fact that the President in his special message made only limited reference to agriculture does not mean that he is unaware of the role of agricultural interests or of

the great value of the on-going programs in agriculture and forestry. Quite the contrary: He was recommending new initiatives and new programs to deal with problems which urgently demand new approaches. While the agricultural work is far from complete, the record is impressive.

Since the Dust Bowl days of the 30's, more than 2 million individual farmers, ranchers, communities, and other land users have voluntarily signed cooperative agreements to put conservation plans into effect. The land involved runs to three-quarters of a billion acres—all enrolled in conservation programs without the need for regulation or coercion.

At the same time, farmers have performed their primary production job so well that Americans take for granted the constant availability of food, its wholesomeness, its variety and quality. Even more fundamentally, U.S. agriculture has freed Americans from what otherwise might be a total preoccupation with getting enough to eat.

Farmers have freed manpower. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over a fourth of all Americans were farmers. If our agriculture had remained at the 1920 level of efficiency we would today have some 20 million workers in agriculture, instead of fewer than 5 million.

Farmers have freed income. Fifty years ago, the basic requirements of life—food, clothing, and shelter—required about 80 percent of all consumer spending. Today these essentials take less than 65 percent. So the average family can spend over 35 percent of its take home pay—instead of 20—for health, education, travel, recreation, and the other considerations that add to life's quality. A major part of this gain derives from a decline in the relative cost of food.

Farmers have also freed time. Fifty years ago, the average work week in manufacturing was 51 hours, and paid vacations were few. Many things have helped, but you can be sure that if food and fiber production still required a fourth of the work force, industrial workers would not now have a work week averaging below 41 hours.

Farmers have freed space. Fifty years ago, it required 350 million acres of crops to provide for a nation of 107 million. In recent years we have harvested fewer than 300 million acres. If farmers had remained at the 1920 level of efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add hugely to soil and water protection, wildlife, and recreation; these afford land for new towns and open space.

These benefits—income, time, space, and the better use of manpower—are enormously important when you think about improving the quality of life. Yet, in accomplishing these things, we have manipulated the environment—no question about it. And we must manipulate it more in the future.

This involves a whole complex of considerations—natural, technical, economic, social, legal and political. It involves a recognition that, in agriculture as in industry, new technology has presented new problems in environmental quality. And it will require great wisdom to correct these problems, while retaining the gains that have come to us through science and technology.

Examples:

Use of synthetic fertilizers has decreased the demand for manure. At the same time, new farming systems have concentrated animals and poultry in feedlots and other enclosures—creating a problem of odors and waste and in some instances, contamination of underground waters;

Chemical fertilizers themselves are adding to the nutrients in streams and reservoirs, contributing to plant and bacterial growth;

Some of the persistent pesticides, which over the years have saved many thousands of lives, are now found guilty of air and water pollution and appear to adversely affect certain species of wildlife; and

Siltation is still the largest single pollutant of water. In the past third of a century, the silt that has been kept out of streams by the establishment of permanent cover alone would displace a volume of water equal to a 10-year supply for all U.S. households.

Because agriculture is both user and custodian of most of the Nation's soil and water, the Department of Agriculture recognizes a major responsibility for protecting and enhancing the quality of the environment. In line with this, we have within the past year taken a number of actions to reduce the use of persistent pesticides—and to strengthen Department programs in the interest of the total environment:

Many DDT uses were cancelled last fall, and we intend to phase out other non-essential uses by the end of 1970. We will be taking similar action toward other pesticides that persist in the environment. A determined effort is being made to insure that decisions and judgments concerning pesticides be made in an atmosphere of scientific detachment and be based on scientific data.

Increased research is being applied to biological control of pests—offering much long-term promise in reducing the need for chemical pesticides. Genetic resistance, parasites, predators, and insect disease organisms all have been used with success.

Last June, all heads of USDA agencies were instructed to lead a nationwide effort to improve water quality through prevention of pollution from Federal activities. The order also provided for periodic reports which amount to a "monitoring" system throughout the farm and forested areas of the Nation.

In the past year, 130 small watershed projects have been approved for Department help—nearly one-seventh of all the projects approved in the 15-year history of the program.

In 1969, the Great Plains Conservation Program was extended for another 10 years, and its provisions were broadened to do a better job in pollution control, fish and wildlife improvement, and recreation.

Already this year, we have approved USDA planning help to 12 new Resource Conservation and Development projects—for a total of 68 now underway. Most of these projects include accelerated soil and water conservation, development of water resources, social and economic development.

The proposed Agricultural Act of 1970 would include three long-term crop retirement programs for pilot operation, including an "open spaces" program to help communities acquire land for conservation and recreation.

As we look to the future, the Department has before it six major policy objectives relative to environmental quality:

1. Department programs affect at least three-fourths of the nation's land resources. These programs will be administered in such a way as to foster environmental improvement and sustain productivity. For example, all USDA programs will recognize the relationship between soil erosion and water quality.

2. The Department will manage our National Forests and help private owners to manage their forests in such a way as to provide habitat for birds and wildlife, access for recreation, water harvest, and grass for livestock. These purposes will be integrated in well-managed ecosystems that will produce increased kinds and qualities of timber.

3. The Department will strive to reduce pollutants originating in agriculture and to ameliorate the effects on agriculture of those originating from other sources. It will practice and encourage the use of those pest control methods which provide the least potential hazard. Non-chemical methods, biological or cultural, will be used and recommended whenever such methods are available and effective.

4. The Department will strive for a reversal in the rural-to-urban migration that has been taking place since World War II. It will seek to improve opportunity in rural America for all Americans by encouraging community development, productive employment, the enhancement of scenic and recreation opportunities, improved housing, adequate water and sewer systems.

5. The Department will strive to help farmers gain a fair income from their enterprises—so that they too may benefit from the environmental improvement that they help to foster.

6. The President has issued an executive order directing that a study be made of all public lands to insure that all of them serve the highest public good. Additionally, I have directed Department of Agriculture agencies to cooperate to the fullest possible extent with local communities in adapting Federal programs and facilities to the enhancement of community development.

The environmental job cannot and should not be done alone by one agency or even by the entire Federal Government. It requires cooperation with State and local agencies and private organizations.

Above all, this is a challenge to individual citizens—those who live in rural America and manage its agricultural lands but also those of all ages and origins who stand to benefit from measures taken there in the interest of the total environment.

Particularly heartening is the interest that young Americans are taking in conservation and environmental questions. We must be eager to accept this energy and enthusiasm and to recognize this cause as one "of particular concern to young Americans," as President Nixon put it.

To some of us who have been concerned with conservation for a long time, it may be startling to find that environmental quality is now a new cause—a new crusade.

The challenge to the young people of America is to join with people of all ages in what President Nixon has called "a common cause of all the people in America." This means commitment to a lifelong involvement in the quality of environment.

The challenge to farmers, to conservationists, to scientists and educators, and writers is to join in a "new conservation" movement that reflects the energy and enthusiasm of the young and the young at heart.

Abraham Lincoln, speaking before the Wisconsin Agricultural Society in 1859, said it this way:

"Let's us hope . . . that by the best cultivation of the physical world beneath and around us, and the best intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away."

DR. ROBERT J. HUEBNER AWARDED THE NATIONAL MEDAL OF SCIENCE

Mr. MATHIAS. Mr. President, at a time when critics cry out that scientists have created more problems than they have solved, we would do well to remember the very real contributions that are made every day by government and civilian researchers.

It has been said that half of the world's technological advances have occurred in this century. Indeed, in the field of health, some of mankind's greatest accomplishments have been realized.

On February 16, 1970, President Nixon awarded the National Medal of Science

to six distinguished scientists in the United States. Included in that group was Dr. Robert J. Huebner, Chief of the Viral Carcinogenesis Branch, National Cancer Institute, National Institutes of Health, Bethesda, Md. I am happy to see that a man who has spent his entire professional life with the U.S. Public Health Service, and almost as many years as a resident of Maryland, has received recognition for his efforts. On presentation of the medal, the President cited Dr. Huebner for "contributions to the modern understanding of the biology of viruses and their role in the induction of diverse diseases."

In his more than 25 years of basic medical research in infectious diseases, Dr. Huebner is credited with describing several new diseases, their causes and epidemiological patterns. In fact, he is associated with the delineation, of most of the important new viruses of man and animals during the past 20 years. Throughout his career, Dr. Huebner has directed his basic research to the practical questions of disease prevention and control. For the development of viral vaccines, he received the Public Health Distinguished Service Medal in 1966.

His efforts are now focused on discovering the role of virus as an actuating cause of human cancer.

I am pleased to congratulate Dr. Huebner on this richly deserved tribute.

LAKE POLLUTION

Mr. BURDICK. Mr. President, one of the serious problems facing the Nation is the destruction of our lakes. The restoration of our lakes, both the Great Lakes and the fresh water lakes, must have a high priority. On Tuesday of this week, I attended a lake restoration meeting, at the Statler Hilton Hotel, sponsored by the Department of the Interior. The principal address was given by Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research. I commend the reading of it to Senators and ask unanimous consent that it be printed in the RECORD.

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

Lake pollution is perhaps the most crucial and most difficult of water pollution problems. This should come as no great surprise to anyone. Lakes generally do not benefit from the same cleansing action as a strong river current which might help flush away contaminants or dissolve them in a powerful flow of clean water.

Even without the contribution of man-made pollutants, lakes tend to develop eutrophication problems because of the nutrients that accumulate in them. But man can and must do much more to prevent the process from speeding up and causing the premature aging—and dying—of our freshwater lakes.

Like the living thing that it is, a lake is born, grows—even breathes—and slowly dies. The life cycle may last many thousands of years—or it could be a lot less. Much depends on the habitation that surrounds it. Man and his technology have become perhaps the gravest threat of all to the survival of lakes and of the other natural waterways which provide us with so many needs and enjoyment.

Death comes as a result of a lake slowly filling with silt and sediment. This is a natural process which manifests itself in reeds and water plant beginning to accumulate in shallow waters. The natural flow of streams through a lake may drain out the water, turning it into a swamp. The swamp plants then may give way to sturdier plants of a drier soil, and eventually, the one-time lake becomes dry land. In this manner, the United States has lost about half the lakes which existed on this continent some 12,000 years ago.

Where human habitation around a lake is relatively sparse, its waters can endure the minor damage contained in the wastes and debris thrown into it. The waters can assimilate a certain amount of wastes by decomposing them into harmless chemicals and dispersing them. But there is a limit to what a lake can absorb.

As ever-greater numbers of people and industry congregate around a lake and pour increasing amounts of waste into the water, the lake may become saturated and unable to purify itself. Man often does not realize the damage he has done until the lake begins to smell and the physical characteristics of pollution become obvious. By then, the pollution problem is already well past the stage of an easy solution.

Lake Erie is one of the most flagrant and frequently cited examples of lake pollution and eutrophication in this country. A look at its history and development is needed to help us understand the problem—and to prevent its recurrence elsewhere.

Lake Erie is the oldest, the Southernmost and the warmest of the five Great Lakes. It is only 241 miles long and has the smallest volume of water, with almost a 10,000-square mile surface area. The lake is very shallow, with an average water depth of only some 58 feet, and at its deepest point is only about 210 feet.

But Lake Erie also happens to be in the heart of one of America's greatest residential and industrial areas. It provides a resource to 11½ million people in the United States and Canada in terms of water supply, recreation, commercial fishing and shipping. And the annual value added by manufacturing in the Erie Basin stands at more than $17 billion.

By the year 2000—and, remember, that's only 30 years from now—the population of the Lake Erie area is expected to double, and so is the volume of industry in the Basin. These people and industries will depend on Lake Erie—a lake whose water quality must be maintained and enhanced so it can be passed on in a condition of unlimited usefulness.

As it now stands, Lake Erie is close to being strangled by the pollutants which pour daily into its waters. Municipal wastewater is the principal cause of pollution in the lake and its tributaries, with industrial wastes also occupying a major role, particularly in tributaries and harbors.

Among the most harmful discharges are untreated flows, combined sewer overflows and treatment plant effluents. Agricultural runoffs also leave their marks, as do wastes from commercial and pleasure craft, harbor dredging, urban runoff and soil erosion.

The wastes most destructive to Lake Erie come from three major geographic areas. These are Detroit, Michigan, and the Cleveland-Cuyahoga and Maumee River basins in Ohio. Waste inputs from the Buffalo area affect the Niagara River more than Lake Erie, but a number of other areas have local problems which add up to significant pollution for the lake.

The three major sources of pollution in Lake Erie together discharge about 74 per cent of the phosphorous flowing into the lake, 87 per cent of the biological oxygen demand and 66 per cent of the chlorides.

The total BOD discharged to municipal sewage treatment plants in the Lake Erie Basin is equivalent to the raw sewage produced by 9.4 million people. After treatment, this volume is reduced to a load on the receiving waters equal to the raw sewage of 4.7 million people. In effect, this means basin-wide sewage treatment has an efficiency of about 50 percent.

Only about half of the 360 known sources of industrial wastes in Lake Erie and its tributaries can be classified as providing adequate treatment for their wastes. Yet together these industries account for 87 per cent of the total waste flow discharged into the lake or its tributaries.

The total industrial flow amounts to 9.6 billion gallons daily, with electric power production account for 72 percent and steel production 19 percent of the total. The steel, chemical, oil and paper industries discharge about 86 percent of the total industrial wastewater in the basin, excluding the electric power installations.

There are so many sources of pollution to Lake Erie that it is almost impossible to make an accurate record of all of them. However, the combined sewer systems of the cities of Detroit, Cleveland and Toledo are among the worst offenders, and just their overflows alone annually contribute wastes equivalent to the BOD of raw sewage from approximately 600,000 people. These combined sewer overflows are expected to represent a high percentage of future phosphorous contributions to the lake.

As you know, phosphorous is a major contributor to the process of eutrophication because of its stimulation to the growth of algae.

It only takes a small amount of phosphorous to create the conditions which precipitate algal growth. As little as 0.01 milligrams per liter at the beginning of the growing season in some lakes or an annual inflow of 0.2 to 0.5 grams per square meter of lake surface in others is all that is necessary.

And unlike nitrogen—which also contributes to this problem—phosphorous does not enter into the type of biochemical reactions that permit it to escape from water as a gas, nor is it easily removed from the system by organisms or sediments.

With present technology, the preferred way to control eutrophication is to impede plant production by making phosphorous less available for growth. And one important step in this direction is to reduce the amount of phosphorous-bearing effluents.

A certain amount of phosphorous is contained in the Earth's crust and enters surface waters from many natural sources. These include surface water runoff, soil erosion, waste from, and decay of, plants and animals, and dissolved and suspended materials in rain and snow.

Thus, over the course of hundreds and thousands of years, these small, but continuing inputs of phosphorous can by themselves bring lakes to an end through eutrophication and sedimentation—without man entering into it. The Green River oil shales of Colorado, Wyoming and Utah are a good example of lake deposits formed by natural eutrophication and sedimentation over a long period of time.

But man also produces significant amounts of phosphorous, and because of the tremendous population rise in recent years, and even greater increases predicted for the immediate future, his contribution to the eutrophication process is becoming a major challenge.

Municipal sewage contains considerable concentrations of phosphorous. It comes principally from phosphorous-bearing detergents and from human wastes. On the average, adult humans contribute about 1.4 pounds of phosphorous a year, while the use of detergents adds another 1½ to 2 pounds of phosphorus per capita annually. While some of the phosphorous is removed by conventional waste treatment processes, sub-

stantial amounts are discharged with no treatment at all.

The phosphorous used in detergents currently makes up some 50 to 60 percent of the total amount of phosphorous in municipal sewage. Obviously, this constitutes a major source of nutrient pollution which must be abated.

Our primary thrust on controlling this problem has been the development and demonstration of phosphorous removal technology for application at municipal waste treatment plants. This approach has been given priority because it attacks all of the sources of phosphorous in municipal wastes, regardless of its origin. We want to emphasize the fact that we are not out to throttle the detergent industry. Phosphate removal technology would have to be applied to municipal waste waters even if phosphates in detergents were to be completely eliminated from use.

The only roadblock that stands in the way of requiring the reduction or elimination of phosphorous from detergents at this time is that a substitute material has not yet been adequately tested which performs the same function as phosphorous. Until it can be proven that such a product will not cause some problem equally harmful to the environment, a substitute probably will not be placed on the market.

The Interior Department effort to clean up our lakes and other waterways is a continuing one, which we hope to expand, in order to demonstrate the restoration possibilities for all our water resources.

In Lake Erie, the existing backlog of unmet restoration needs includes the upgrading of sewage treatment by no fewer than 287 municipalities. The Lake Erie Basin should actually be served now by treatment sufficient to provide a minimum of 85 percent BOD removal, the almost complete removal of suspended solids and 92 percent removal of total phosphorus. It is to be anticipated that by 1990 the removal of over 95 percent of organic pollutants will be required throughout the Basin.

At present, there are some 189 industries which still have not installed treatment facilities sufficient to meet water quality standards. This situation is hardly excusable, and it shows we still have a long way to go just to conform to the pollution control regulations that are already on the books.

Our primary consideration must be to stop putting nutrients into our lakes. We must slow down the eutrophication process or we may discover our water resources becoming unusable. We must also devise ways and means to reverse the entire eutrophication process to assure future generations of lasting sources of water.

In the Interior Department, our strategy is twofold: it consists of prevention and restoration. By prevention, we mean slowing down eutrophication by removing key nutrients from wastewater before it enters a lake. At the same time, research and development must be carried on to find even more effective methods of nutrient removal.

Restoration means removing or inactivating nutrients after they have reached a lake. Restoration techniques must be carefully researched to find an economically acceptable method that is likely to succeed.

The mechanical harvesting of algae, the harvesting of organisms which eat algae and eliminating the effects of algae by chemical means are among the techniques being studied intensively by the National Eutrophication Research Program of Interior's Federal Water Pollution Control Administration. This work is being done in government and university laboratories, as well by private industry, and often uses small lakes in various parts of the country as field laboratories.

It is altogether doubtful whether Lake Erie could ever be returned to the condition which existed prior to man's appearance, or even to the condition which existed at the turn of the century. It can, however, be returned to some intermediate stage of aging, and we can expect a major improvement and protection of water quality.

Lake Erie and others threatened by eutrophication can be saved, but it can be done only with the continued and determined support of the public and its political representatives.

President Nixon set the tone for our efforts to control pollution in his State of the Union Message last January and in programs he launched in February to carry them through.

The President said, "The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?"

While, "The price tag on pollution control is high . . ." the price will be even higher if we fail to act. That is why we at the Interior Department are determined to act now while there is still time.

THE SST

Mr. MILLER. Mr. President, a strong case for continuing the Nation's supersonic transport program is presented in the February 1970 issue of Air Force/Space Digest magazine.

While not downplaying the costs and difficulties involved, Associate Editor Edgar E. Ulsamer points out that "the price for dropping out of the world's SST competition is likely to be far greater than for staying in, in terms of loss of trade, lost aeronautical prominence, loss of employment and revenues, and decline of the Nation's technical and political prestige."

For example, dropping out of the competition could result in a $16 billion or more impact on our balance of payments—loss of some 50,000 jobs which would be involved during the peak production phase—and the loss of some $3 billion in direct and indirect tax revenues.

I believe the article merits the consideration of all who have expressed concern over the SST program, and I ask unanimous consent that it be placed in the RECORD.

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

THE SST IS VITAL TO THE NATIONAL INTEREST

(By Edgar E. Ulsamer)

On December 17, 1969, the sixty-sixth anniversary of the Wright brothers' first flight, the Senate ended a two-year moratorium on construction of a US supersonic transport. The Senate's heavy vote in favor of authorization of funds to produce two flying prototypes assured continuation of what has been called the world's foremost aeronautical undertaking—the development and flight testing of a reliable, safe, and economical Mach 2.7 intercontinental jetliner.

Three consecutive Administrations have rated the SST program essential to continued US preeminence in aviation technology and a vital factor in the nation's balance of trade. Nevertheless, from the day of its inception six and a half years ago, the program has encountered many obstacles and suffered serious setbacks.

In his 1963 Air Force Academy graduation address, President John F. Kennedy announced the decision to "immediately commence a new program in partnership with private industry to develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country." From that day forward, the SST program has been battered continually by public, press, and congressional antagonism, which at times bordered on paranoia.

Some conservative groups have questioned the prudence and probity of the federal government's underwriting development of a private, commercial jetliner. In truth, the government's expected $1.2 billion investment in the prototype program is to be repaid through royalties and is likely to net the government a profit of $1 billion. Others who view social problems as paramount, inveigh against the allocation of federal funds to advance aerospace technology at this time. Still others question the societal value of further increasing the speed of air travel.

The sonic-boom issue has been another, often-exaggerated, stumbling block. In fact, no supersonic flights will be permitted over inhabited land areas until a solution to the sonic-boom phenomenon is found. While that solution is not in sight at the moment, recent tests of the Lockheed SR–71 in high-altitude cruise have yielded overpressures substantially below forecast values, which, at times, were so low that they escaped detection by human observers and special ground instrumentation. But because the SR–71 flies higher and weighs less than the SST, its sonic-boom characteristics do not necessarily apply to the SST.

PROBLEMS AND SOLUTIONS

The SST program probably reached its nadir in February 1968 when Boeing—which in December 1966 had been chosen to build the SST, with the General Electric Co. selected at the same time to build the engine—said it was giving up the variable-sweep-wing design known as the 2707 Dash 200. A variety of reasons caused Boeing to discard a design technique favored not only by its own scientists and engineers but also by a majority of the 235 experts (including many USAF representatives) on the government's blue-ribbon technical evaluation committee.

The practical effect of the Dash 200's technical shortcomings was a payload-range reduction to roughly half the government's specified requirement of 4,000 statute miles with full payload.

According to H. W. Withington, Boeing's vice president in charge of the SST program, the swingwing's advantages tend to be negated on large, multiengine designs because of the need to move the wing pivot outboard, beyond its optimum location. Also, a host of associated problems were generated by "fixes" that proved more detrimental than curative.

A year and three million engineering hours after the abandonment of the swingwing configuration, Boeing submitted to the government a completely new, fixed-wing-plus-tail configuration, distantly related to the company's losing entry in the B–70 supersonic-bomber design competition of a decade earlier. The main characteristics of the new design are simplicity, high aerodynamic efficiency in supersonic and subsonic flight, and good stability and control. Its only unorthodox feature is the 50.5-degree wing-sweep angle, modest compared to the more than sixty-degree sweep of the British-French Concorde SST, the Soviet TU–144 SST, and most high-performance military aircraft.

Boeing's engineers are convinced that the new design will substantially improve subsonic performance without significantly affecting the supersonic lift/drag coefficient. Two years of intensive examination and wind-tunnel testing by government and industry have confirmed the original calculations, with some evidence that performance will be slightly better than expected. The SST's engine, not affected by the airframe change, has already achieved a thrust output of 69,900 pounds, or almost 7,000 pounds more than required for the prototype.

In February 1969, another government panel of 100 leading technical experts from the Air Force, NASA, and the other military services accepted Boeing's redesign, an action also bearing the cachet of the engineering experts of the user airlines.

Meanwhile, the then-new Nixon Administration ordered an in-depth review of the program, involving all major governmental departments, to determine its impact on the national interest. The Department of Defense was represented by Secretary of the Air Force Robert C. Seamans, Jr. While Dr. Seamans' evaluation of the SST's military utility has not been revealed, a recent communication from Dr. John S. Foster, Jr., DDR&E, OSD, to the Department of Transportation presumably reflects some of these findings.

Dr. Foster termed the potential SST contribution to Defense R&D "indirect but not insignificant," by "reinforcing the technological base upon which defense will be drawing for the development of military systems." He listed as areas of potential benefit to the military the SST's advances in flight controls, fly-by-wire and the stability augmentation control systems, high-temperature sealants and seals, environmental control systems, and high-temperature metals and alloys. SST program officials have reported that SST developmental work is reducing the man-hours required to produce titanium by almost two-thirds.

On September 23, 1969, at the conclusion of the government's SST study, President Nixon announced program go-ahead ". . . because I want the United States to lead the world in air transport. And, it is essential to build this plane if we are to maintain that leadership." He added that it "had been a very difficult decision," preceded by a spirited debate within the Administration. The President asked for new appropriations totaling $662 million over a five-year span. An equally spirited debate in both houses of Congress proceeded actual allocation of funds for the current fiscal year. It should be noted that Boeing, General Electric, and the airlines have committed $382 million of their own money to the SST program.

THE SST'S PROSPECTS

With about $125 million in federal funds currently in hand and some $314 million earmarked for allocation in FY 1971, the SST program is sufficiently "healthy" to permit first prototype flight in 1972. Certification of the production version of the U.S. SST is expected either late in 1976 or mid-1978. James H. Beggs, Undersecretary of Transportation, predicts the timing of certification and first operational service of the production aircraft will be affected by how well the Concorde and the Soviet TU–144 do in the world market.

Both the TU–144 and the Concorde made successful supersonic test flights in 1969. While they are smaller, slower, and less productive than the American SST, US officials view with considerable apprehension the prospect of growth versions of these aircraft, which could be available at the time the US SST is to enter into service.

The Soviet SST is something of an enigma to Western observers. Some US experts have observed that the Soviet prototype is technically inferior to Soviet military aircraft, especially in inlet and wing design. A more advanced SST, possibly of titanium construction, may be waiting in the wings.

If either or both foreign SSTs score sales beyond present expectations, Mr. Beggs told this magazine, an accelerated development schedule of the US SST can be instituted. It would involve development of the production aircraft before the prototype's flight testing is completed. Such a "high-risk" schedule "would make financing of the production phase through private channels more difficult," he conceded.

The SST program's next crucial decision point will be reached in June 1972 when Boeing is to submit to the government its plans for financing production of the SST. Both Mr. Beggs and Mr. Withington believe it may be possible to finance the multi-billion-dollar-production phase without direct federal assistance.

The possibility of the government's underwriting the basic investment or arranging financing through government bonds is under consideration, however. According to Mr. Beggs, federal participation "may prove palatable to Congress," assuming that no technical problems are encountered by the prototypes. Total cost of the production phase is pegged at about five times the 747 superjet investment of $750 million.

TWO DIFFERENT SSTS

According to Mr. Withington, Boeing's market research indicates the desirability of two different SST models with high commonality of all major components. One model would have a wide-body fuselage with a total length of 296 feet six inches, and could transport up to 321 passengers over a distance of about 3,700 miles (New York to Paris) to serve North Atlantic as well as the Hawaii-West Coast gateway traffic. The other variant is likely to be a 253-passenger aircraft, 286 feet long, with a range of about 4,700 miles, tailored to operate from and to inland cities as well as over the longer route segments of the Pacific. Both aircraft would have an initial gross takeoff weight of 750,000 pounds but could grow to 800,000 pounds without structural or landing-gear changes. The large-capacity model would cost about $1 million more than the $40 million (1970 dollars) smaller model.

Boeing believes it will be able to sell a minimum of 515 SSTs by 1990, each one returning about $4 million to the government in royalties.

Two hundred seventy aircraft are likely to be bought by foreign airlines. The negative effect on the US balance of payments of not producing an SST is estimated at more than $16 billion. Also, the SST program will employ about 50,000 people during its peak production phase, and yield some $3 billion in direct and indirect tax revenues.

Because of its great speed and short turnaround time, the SST will yield extraordinary high productivity. Present industry calculations indicate that total SST operating costs per seat-mile will be equal to, and eventually lower than, those of the 440-passenger subsonic 747.

Many considerations in addition to obvious economic and technological benefits persuaded the present Administration to continue the SST program. One, according to Undersecretary Beggs, stood out: The SST's ability to bridge rapidly the distances that separate the United States from the countries of South America, the Far East, and Africa. This "will prove invaluable to the United States politically as well as in terms of increased trade," he said.

ABA'S STANDING COMMITTEE ON WORLD ORDER THROUGH LAW ANALYZES THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday I talked about the American Bar Association's Standing Committee on World Order Through Law's strong recommendations that the association endorse American ratification of the genocide convention.

I strongly and unequivocally endorse these recommendations.

Today I would like to bring to the Senate's attention the section of the committee's report analyzing the purposes and provisions of genocide convention.

The basic purpose of the treaty is to make Genocide an international crime whether committed in time of peace or of war. It seeks to prevent, if possible, and to punish when it occurs, the destruction in whole or in part, of a national, ethnical, racial or religious group, as such. The document, inter alia, defines Genocide, spells out the acts which constitute Genocide, the obligations which the parties undertake, the place of trial of the accused, and provides for submission of certain disputes to the International Court of Justice.

ARTICLE I

By Article I the parties "confirm that Genocide, whether committed in time of war or in time of peace, is a crime under international law which they undertake to prevent and to punish."

Articles II and III define Genocide and list the acts which are punishable as follows:

ARTICLE II

In the present convention, Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit Genocide;

(c) Direct and public incitement to commit Genocide;

(d) Attempt to commit Genocide;

(e) Complicity in Genocide.

Article IV includes among persons who may be punished those who "are constitutionally responsible rulers, public officials or private individuals".

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide penalties "for persons guilty of Genocide or of any of the other acts enumerated in Article III".

Article VI provides that "persons charged with Genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Article VII provides that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of Genocide or any of the acts enumerated in Article III".

Article IX provides that "disputes between the Contracting Parties relating to the interpretation, application, or fulfillment of the present Convention . . . shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. JAVITS. Mr. President, regretably when the Senate acted upon S. 3246, the Controlled Dangerous Substances Act of 1969, I was out of the country on official Senate business and was unable to support the amendments offered by the Senator from Iowa (Mr. HUGHES), chairman of the Special Alcoholism and Nar-

cotics Subcommittee, of which I am the ranking minority member. I was particularly concerned by the Senate's failure to place primary jurisdiction for drug control, restriction, and scheduling in the Department of Health, Education, and Welfare rather than in the Department of Justice.

The adverse reaction of the scientific community and the serious effects of this legislation upon the Nation's medical profession are set forth in an article on drug abuse entitled "The Cost of Silence Now," published in the February 26, 1970 issue of the Medical Tribune. It is not necessary to agree with every statement in this article—and I do not—to appreciate its importance to the subject. I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

The author of this timely article is Dr. Daniel X. Freedman, chairman of the department of psychiatry, Pritzker School of Medicine, University of Chicago and chairman of the Task Force on Drug Abuse and Youth of the American Psychiatric Association, one of the Nation's outstanding authorities on the drug scene. I commend the reading of this article to Senators. Perhaps, when we have the opportunity again to consider S. 3246, when the other body has acted upon it, we can take into consideration Dr. Freedman's expertise in our deliberations.

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

THE COST OF SILENCE NOW

(By Daniel X. Freedman, M.D.)

In December, 1968, the American Psychiatric Association publicly warned of dangers lurking in the early drafts of the Administration's drug-abuse control bill. That statement urged increased support to provide skills and programs to combat epidemics of drug abuse and stated that the separation of needed enforcement measures from health-related research and education was imperative.

The statement also noted that research and education conducted under the direction of the Bureau of Narcotics and Dangerous Drugs would not be likely to compel confidence or belief. Education and *not* propaganda, facts and *not* distortions, are the powerful and credible means of assessing the dangers of drugs and dealing with the anguish and confusion of parents and youth.

What provoked the 1968 statement? It was not the commendable effort of the Narcotics Bureau to coordinate drug law enforcement. It was, I think, the bureaucratic impulse to extend the stranglehold of former Commissioner Anslinger on "narcotics" to many other drugs—an approach of wielding vague threat and legal authority—which for 40 years stifled and distorted research, information, and innovative medical treatment.

What began in the summer of 1968 as an attempt of Justice Department agents to merely codify complex drug regulations has—after a year and a half—revealed a history of bureaucratic intransigence if not slyness. In the process the BNDD has documented its contempt for relevant advice and expertise while endowing itself with sweeping powers.

These new powers are not simply the authority to prosecute drug abusers and traffickers. Rather, there is *new* power to initially and finally decide—to judge—with respect to a wide range of commonly used and therapeutically valuable drugs: (1) acceptable medical practice; (2) acceptable medical research; (3) who is competent to conduct this. The essential new power is to adjudicate the abuse potential and medical usefulness not only of old but of newly discovered substances and the conditions under which they may be used—not only in everyday medical practice, but for any conceivable kind of scientific investigation.

Precisely why such powers are required for the task of enforcement has never been clearly stated. If the honest facts were surveyed, they could not possibly be justified, since the major illicit supplies in drug abuse come neither from narcotic officers nor physicians nor patients! Meanwhile, where good intentions would have produced collaboration of health professionals in order to help the public, the scientific community finds itself either muzzled, if it is in government, or diverted to correcting the many mispellings and drug misclassifications in the bill, while vainly wrestling with its fundamental misdirection. The fact that penalties have been brought into better perspective has so preoccupied most individuals that the fundamental administrative malpractices built into the bill and the potential for enormous governmental abuse has been overlooked.

Somehow the notion has gotten abroad among the bill's proponents that the doctors who are so busy caring for the tragic consequences of drug abuse, educating their colleagues, school boards, school children, and the concerned public to constrain *all* recreational drug use—that these individuals are "soft on drug abuse." I think the contrary is true. These physicians are quite capable of being hard-headed about the *real* causes and consequences of drug abuse. While enforcement agents were writing medical legislation, health professionals were working at the front lines.

But this is exactly the segment of our working professional population to which the Administration apparently does not wish to listen. For example, approximately 50 invited scientists, at an FDA-cosponsored conference held at the Bureau of Narcotics and Dangerous Drugs in September, 1969, unanimously rejected the bill as written at that time. Except for the change in penalties, the current bill remains essentially as written a year previously.

How clearly do medical and research people have to document what any wise government administrator and Congressman could easily know? We speak of the arrogation of power which—if written into vague law—can proceed without check in the hands of an enforcement agency. We refer to the built-in administrative encumbrances and entitlements which, if they "would never be used," at the very least *would* surely serve to retard advances in the delivery of health care and research. For proof, history shows that this "sword of Damocles" approach is precisely why we do not know more about marijuana and why we were not able to treat narcotic addicts. Now much more of the pharmacopeia is coming into the same system.

The unwritten tale of the consequences of the Administration bill should be heard. If passed, it *will* be! The fact that 35 per cent or more of legal prescriptions are for the drugs covered in this bill indicates the extent to which legitimate medical practice is covered. With the vague wording and legal twists and turns in the bill, potential dangers do indeed exist. The fact that a patient's confidential records can be available for inspection, even though his pill may be a mild tranquilizer or sedative, should alert all patients and physicians. The bathroom cabinet as well as the street are in the scenario in which we can see future action!

The fact is that health care costs will increase, since new record keeping is required for commonly used drugs. Laboratory teachers and scientists are also to be registered and controlled along with physicians. *Preventive record keeping*—simply to be safe against the *implied* powers in the bill—could also increase costs. Control of the life cycle of a pill from its conception on the drawing board to its final consumption is embraced in this bill. The administrative costs to government (tracking eight billion amphetamine tablets a year, for example) might worry an Attorney General concerned with inflation, if not with the facts about illicit drug supplies.

Congress has not asked for a clear and compelling rationale from the bill writers. Yet this bill is addressed to the bulk of law-abiding patients and physicians. Why? The burden of answering should be on the "tough" politician who wants to divert attention from the tough drug problems and collect votes by passing "tough"—though irrelevant—bills!

What is tragic, then, is that apparently a large segment of the practice of medicine and the advancement of badly needed knowledge is being politicized. In fact, we should strive to keep matters of public health in sane focus, to use the best instruments with which Western civilization has endowed us to arrive at informed decisions.

Health professionals, pharmaceutical specialists, and experts in drug-abuse education should have been brought together with experts in government administration, regulatory practices, and law enforcement to review the entire complex issue of the manufacture and distribution of medicinals and the appropriate measures to combat illicit diversion and criminal use. It is clear that this will eventually have to be done—perhaps by the National Academy of Sciences.

This bill, then, is overwritten, imprecise, overambitious, and confuses rather than clarifies. It is costly at a time when funds are required to make enforcement, education, treatment, and research effective. Accordingly, the American Psychiatric Association has authorized the following:

"We strongly endorse the provisions contained in the Comprehensive Drug Abuse Control Act of 1969, H.R. 11701—the Staggers bill. This bill places responsibility for training, education, and research of a medical nature and the adjudication of scientific and medical questions concerning drugs where they properly belong—under the Secretary of Health, Education, and Welfare. We believe that basic to the entire approach is the separation of medical responsibility from that of law enforcement."

What began as a golden opportunity to coordinate and streamline law enforcement has degenerated into a tactic to tap public anxiety and confuse the field while attempting to control it. Yet there *is* a job to be done. Epidemics of drug abuse and drug interest do continue. Where are the enforcement agents? In clinics, offices, and laboratories? Or are they searching for major illicit supplies of drugs? After all, where there are no illicit supplies of drugs there is no abuse!

Those who would complain later should not be silent now.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

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

VIRGINIA WOMAN ROBBED ENTERING AREA BANK

Majorie I. Ciocca, of 1800 Stratford Dr., Alexandria, was robbed of $300 yesterday as she was about to enter the First Virginia Bank, 1502 Belle View Blvd., to deposit the money, Fairfax County police reported.

One of two youths hit her on the side of her face, police said, and grabbed her purse. A locked bank money bag she was carrying fell to the ground.

Police said the youths took the bank bag and left the purse. The money was part of receipts from the High's dairy store, 1100 S. Washington St., Alexandria, where Mrs. Ciocca works.

Other serious crimes reported by area police by 6 p.m. yesterday included:

ROBBED

Annie O. Lee, of Washington, was robbed Tuesday about 9 p.m. by an armed man. After taking her handbag, the man escaped in a car.

Bessil L. Butler, of 1341 Ingraham St. NW., was robbed Tuesday about 6:30 p.m. by three men while walking in front of her home. One of the men produced a gun, told her it was a stickup and took her handbag. She was struck in the face during the robbery but not injured.

Edward Crosby, of Washington, was robbed by two men while walking on Sherman Avenue about 9 p.m. Tuesday. One man engaged him in conversation, and the other then pulled a gun and demanded money. The pair fled south on Sherman Avenue.

Ethel Lee Franklin, of 2436 Wagner St. SE., was robbed of her purse by a man Tuesday about 9 p.m. while walking behind her apartment building. She heard a voice behind her and turned to see a man running up to her who produced a revolver and demanded her purse.

Safeway store, 716 Kennedy St. NW., was robbed yesterday by three men, one armed with a rifle. One man told Stephen Parks, of Falls Church, that it was a stickup and ordered him to give them money from the safe. Another man struck Andrew Keene, of Washington, on the left side of the head and took money from the cash register and from Constance Randolph and Robert Fortune. The three men fled and were last seen going east on Kennedy Street.

James Stancil, of 1371 Irving St. NW., was robbed in his home by two men about 10 p.m. Monday. The men entered through an unlocked front door, cut Stancil on the head with a knife and took a portable TV.

The Guards Restaurant, 2915 M St. NW., was held up at about 1:15 a.m. yesterday by four men, two armed with a silver revolver and a sawed off shot gun. The man with a revolver ordered Jack Bergeron, restaurant manager, to "Give me your money. Give us your cash," and then took money from the cash register, a gold watch and cash from Bergeron. Another man took money from an employee, Lynold Biennena, and from John Connell, an employee who came up from the basement while the robbery was taking place. The four men fled through the front door taking a camera with them as they left.

Laundromat, 236 E St. NE., was robbed by three men, one of them armed with a sawed-off shotgun, shortly before noon Tuesday.

Ida May Trice, of Washington, told police she was in her Northwest apartment Tuesday afternoon when two men entered and robbed her at gunpoint.

Howard Peter Woodring, of Arlington, told police he was robbed by two men in the 2800 block of 16th Street NW.

Edward Robinson Warren, of Washington, told police two men beat him on the head with a stick while he was at 9th and I Streets NW Tuesday afternoon. They emptied his pockets and fled.

Richard Franklin Moss, of Washington, was robbed by several youths at 7 p.m. Tuesday while in the 200 block of 15th Street SE.

Cake Masters Bakery, 4015 South Capitol St., was robbed by three men, one of them armed, about 7:30 p.m. Tuesday.

STOLEN

An estimated $5000 worth of stamps was stolen from the home of Harold Moueray, 4816 Ravensworth Dr., Annandale, some time Tuesday night, Fairfax County police reported. A basement window was broken. Police said the stamps were carted away in three pillowcases.

Constantinos Papps, of Philadelphia, reported to police that his auto was ransacked while parked in the 1800 block of M Street NW and about $600 in goods was stolen.

Albert Corbett, of Rockville, told police that money and credit cards were stolen from his coat while he was inside 3135 K St. NW about 11 p.m. Tuesday.

THE DEBATE OVER PRIORITIES

Mr. PELL. Mr. President, the Providence Evening Bulletin has made another contribution to the growing national debate over priorities. In a recent editorial, the Bulletin noted with approval a reduction in the amount budgeted for the space program in the coming fiscal year. But these outlays are still more than five times the amount budgeted for cleaning up the environment. The editorial said, in part:

Those who contemplate our fetid streams and who breathe the noxious smog that clouds so many of our larger cities may rightly ask whether the priorities are in sensible order . . . .

Mr. President, so that the Bulletin's thoughtful statement may be brought to the attention of the Senate, I ask unanimous consent that it be printed in the RECORD.

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

HIDDEN SPACE BINGE

Encouraging signs from Washington indicate that the federal government is rearranging its priorities and trying to put first things first. The Pentagon's swollen budget is being trimmed. Larger allocations are being earmarked for domestic concerns, and smaller outlays are budgeted for space exploration.

Nevertheless, a closer look at what is being accomplished suggests that the priorities are still out of line and that there is plenty of room for additional improvement.

Congressional Quarterly points out, for example, that while the total allocations for space exploration in the coming fiscal year are substantially less than the allocations for this year, the space outlay is still far greater than the proposed outlay for cleaning up the environment.

NASA is budgeted for 3.2 billion dollars next year. In addition, the Defense Department has earmarked $1.6 billion for its space research and the AEC and other departments are budgeting many of their millions for efforts in the space field.

The total of all allocations for space work in the coming year, according to *CQ*, comes to slightly more than five billion dollars. This is substantially less than this year's $5.6 billion and last year's $6.3 billion. But it is still a huge sum that dwarfs the 1.1 billion dollars tentatively allocated in next year's budget for cleaning up the environment.

Those who contemplate our fetid streams and who breathe the noxious smog that clouds so many of our larger cities may rightly ask whether the priorities are in sensible order when we are still planning to spend nearly five times as much on space exploits as we are on the crusade to clean up our contaminated environment.

ORGANIZED CRIME

Mr. MILLER. Mr. President, yesterday Angelo De Carlo, also known as the Gyp, was sentenced to 12 years in prison and fined $20,000 for violating Federal extortion laws. This is the first step in the successful drive by the Nixon administration to break up the vast network of crime and political corruption that has ruled northern New Jersey for these many years.

De Carlo is a captain in the Genovese family of the Mafia. During his trial it was brought out repeatedly how deeply the tentacles of this criminal organization had penetrated the Democratic machine that rules Newark and its environs.

The new Republican regime in New Jersey, headed by Governor Cahill, cooperating with the administration here in Washington, is moving rapidly and effectively in cleaning out this cancerous mess. But it is a most difficult task.

The tendrils of organized crime and venal politicians are interwoven into a tight fabric of corruption in New Jersey as well as elsewhere in the country where machine politics has been the rule. Even using the full strength and capabilities of the Federal Bureau of Investigation and the Department of Justice, it is difficult to cut through the secrecy that shrouds this tapestry of antisocial activities to bring the culprits before the bar of justice.

It is, I believe, one of the most important tasks this administration has set for itself. It can also be one of the most rewarding, because it will—if carried through to its conclusion—destroy the monstrous conspiracy between the Mafia and its willing and, in some cases, unwilling allies.

This combination has denied the citizens of New Jersey their constitutional rights to be governed honestly and impartially by their elected officials. Many of these officeholders have been too much the creatures of criminal gangs. They have been elected by voters who did not take the trouble to do their homework and find out whom and what they were voting for—who threw their votes away by blind party-line, shop-like voting. No wonder they ended up with officials who showed their contempt for such irresponsible voters as to work against the people's best interests. Fortunately, it appears that the voters have finally awakened. Let us hope they do not go to sleep again.

The conviction and sentencing of Gyp De Carlo is the first step. It is a big step in the right direction. More will follow under this administration.

JOHN S. SALOMA

Mr. MATHIAS. Mr. President, it has been said that the much-alluded-to "generation gap" is not so much a distance between parents and their young as it is between Americans who lived during World War II and Americans who were born in the postwar period.

I ask unanimous consent to have printed in the RECORD the remarks of a man who, in his own words, is "at the midpoint between two cultures—the old and the new in America." John S. Saloma III is a man who, at the age of 34, has participated extensively in the political life of this Nation. He is the author of the book "Congress and the New Politics" as well as the producer of several studies of Congress. He founded and headed the Ripon Society, the Republican research and policy organization. Yet he has not lost touch with the younger segment of our population—the Americans born after World War II. I believe that his remarks to the 32d Congress of America's Outstanding Young Men of 1969 will bear witness to Mr. Saloma's concern and understanding with what is happening in this country today.

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

REMARKS OF JOHN S. SALOMA III, 32D CONGRESS OF AMERICA'S OUTSTANDING YOUNG MEN OF 1969, SANTA MONICA, CALIF., JANUARY 17, 1970

We who are honored tonight are of a special generation with a special charge. Much is demanded of us. We stand between two worlds; at the midpoint between two cultures—the old and the new in America.

Nowhere is this contrast more vivid than in the values and expectations of the generations that we bridge in time and experience. We were raised in the shadow of the great depression and war yet we share the social activism and conscience of a generation that has accepted economic affluence as a right and gone on to ask how such wealth and power should be used.

As we have a unique position in history so have we a unique responsibility to interpret through our lives, as best we can, these two cultures to one another.

To the older generation that clings so tenaciously to power in our society we should say that it simply is not enough for *you* to do *your* best. To govern America today is a national undertaking that requires the talents of *all* our people.

To younger Americans so impatient with the old order that they are driven to revolutionary rhetoric if not action we can give new meaning to historic institutions and help in the exciting and urgent challenge of building new institutions. Today according to one national poll only 18% of college students give a favorable rating to our political parties, the lowest rating by far of our major institutions.

We can begin to engage the idealism and activism of our youth by joining and supporting the new movement for party reform in the Democratic and Republican Parties. Let me suggest that you offer your support either individually or if possible under Jay-Cee sponsorship on a bipartisan basis, to the respective national committee chairmen and the state party chairmen in the 50 states in the cause of party reform.

One exciting possibility which I believe could be achieved with your help by 1972 is *the selection of a young man or woman as the Vice Presidential candidate of the respective major parties.* In our lifetime the Vice Presidency has become an important training ground for the Presidency. Former Vice Presidents and Vice Presidential candidates have held the office of the President more than half of the years since the end of World War Two. Why should a man begin his training in the Vice Presidency at the age of 50 or 60? Why can't a man of 35 or even younger (through appropriate constitutional amendment) be given this responsibility and historically significant opportunity? If we are to have a genuine partnership of the generations, if we are to come together as a people, I can think of few more symbolic yet substantial acts that are within our power.

Today many counsel that we have moved too fast, that we must retrench in our politics. After the breakthroughs of the 1960's we are told there will be a swing toward conservatism, a reaction of "middle America." I believe it would be a tragic mistake to lower our sights as we build a new politics. It would be a tragic mistake to turn our heads from the human and social problems our youth have so eloquently stated in the lyrics of today's pop and rock music. Crosby, Stills & Nash, in their song *Long Time Gone* cry out to us, "Speak out, you got to speak out against the madness, you got to speak your mind . . . . if you dare." Our young people have *not* rejected America. They are asking in a spirit of love and anguish what has happened to the American dream?

It would be the most tragic mistake of all to stop short the promise of the civil rights movement of the 1960's and the true revolutionary human meaning of that movement for all Americans—*black and white together.*

Today we need an elevating spiritual purpose as never before. We need a politics of conscience that will ennoble us, not a politics of necessity that yields to the all too human prejudice and baser instincts that we have tried to put behind us. Can we choose any other course?

We remember a man of nonviolence and peace, a man of God in this age who stood on the steps of a Memorial to a martyred emancipator-President and told the world that *he* had a dream for America. In the most beautiful sense of those words of the saint he was a man "lost to men . . . adventure-bound for love's sake. Lost (on purpose) to be found." Let us pray that we will never lose that ability to dream. Let us pray that we will have the power, the courage, and the personal commitment to put *our* dreams into action.

"I had a dream . . ."

Thank you.

SENATOR MURPHY'S ANNOUNCEMENT

Mr. DOLE. Mr. President, today, the senior Senator from California is announcing his candidacy for a second term in the U.S. Senate. As is typical of our colleague, his schedule today takes him from one end of his beloved State to the other.

Senator MURPHY's place in the affections of Californians is matched only by the warmth with which he is regarded by his fellow Senators. Devotion to his constituents and tireless dedication to the many details of Senatorial duties have characterized his years in this body. Soon after my arrival in the Senate I learned the value of Senator MURPHY's guidance, wise counsel and firm friendship. I congratulate our distinguished colleague on his decision to seek reelection and wish him the very best as his campaign begins.

To illustrate California's respect and enthusiasm for Senator MURPHY, I ask unanimous consent that an article from the February 17, 1970, Santa Monica Evening Outlook by Robert E. McClure be printed in the RECORD at this point.

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

[From the Santa Monica Evening Outlook, Feb. 17, 1970]

SENATOR MURPHY, REPRESENTATIVE TUNNEY—STUDY IN BACKGROUNDS

(By Robert E. McClure)

Of all the Lincoln Day dinners I've attended over the years, the affair at the Miramar last Thursday night was one of the very best. The turnout to hear Sen. George Murphy jammed the Satellite Room and George never spoke better.

His address had the "Murphy touch."

He asked what Abraham Lincoln would have thought of our crime rate, drug addiction among youth, permitted pornography; college students more interested in fomenting revolution than acquiring an education; school prayers prohibited by the Supreme Court; draft-dodgers upheld and protected; law, order, and decency broken down . . .

The senator's voice and appearance refuted any fears that he may not be able to campaign as vigorously this year as in the past. There is still some huskiness in his voice but it comes through "loud and clear." He looks in the pink of condition and seemed as fresh at the end of the evening as at the beginning.

Another thing we all liked: the streamlined program that didn't last too long. There was little preliminary oratory and no singing. I don't mean to reflect on singers at political dinners—we've had some good ones in the past—but I wanted to hear George Murphy more than the "Battle Hymn of the Republic."

We did hear briefly from Assemblyman Paul Priolo, State Sen. Bob Stephens and Congressman Al Bell. They stayed within their time allowances and Emcee Sherm Wagenseller brought the guest of honor on early, with a bare minimum of introduction. Congratulations to everyone who participated and especially to the GOP women who sold the tickets.

Remember how George Murphy was poohpoohed by the Democrats in 1964 and since as a "song-and-dance man"? He had no qualifications for senator to compare with those of Pierre Salinger, who had been secretary to the late President John F. Kennedy.

George beat this carpet-bagger, darling of the Kennedys, hands down and sent him back to what portly Pierre was really qualified for, serving drinks around Kennedy swimming pools. For this George has never been forgiven by the Kennedy liberals and this year they're out to retire him with a new challenger who has the double distinction of being a buddy of Teddy Kennedy and a son of former heavyweight champion Gene Tunney.

Young Tunney is no carpetbagger, but a congressman from Riverside County, about the same age as Teddy (they were in Harvard together) and almost as good looking. He sounds like one of the Kennedys when he talks, both in his broad accent and the message. To hear him tell it, Sen. Murphy must be driven from public office, because he's a disgrace to California and his favorite sport is grinding down the faces of the poor.

Prizefighter Gene Tunney may have been relatively poor once, but his ring winnings made him wealthy and he didn't throw it away on booze and women. For Gene had always aspired to Culture. After retiring from the ring he married a New England heiress. It is not surprising that their son, the Riverside Congressman, went to Harvard and became a flaming liberal.

Speaking last week at a Southern California aircraft plant, this Congressman attacked the Nixon administration for "laying off" aircraft workers and in the next breath demanded bigger cuts in defense spending with the money going to, well, you know. He's already spending money freely to inform the voters of Sen. Murphy's unfitness.

George Murphy's father was also an athlete but of a different kind—a teacher and coach of several sports at the University of Pennsylvania, who in his day was beloved by most of the student body. George, one of a large family, went to Yale and had to work his way through college. He came out to California with no money or thought of show business and—I think most people know the story—he met a girl dancer who was very nice as well as very pretty, and fell in love with her. He learned a soft-shoe routine in order to dance with her. He really worked at it and they got married and started in show business. But she couldn't dance much while pregnant and George had not worked his way through Yale without having some other resources than his nimble feet.

By 1964, when he decided to run for political office, he had had a highly successful career as a movie impresario and was well off financially. He had also played, with Ronald Reagan, a prominent part in fighting the Communists who were trying to take over the several movie unions. He had two fine children growing up and the lovely girl he had married adored him still and claimed his entire devotion.

When the senator returns to our Westside area, he may spend more time with his wife than in making speeches. But no one has toured the agricultural districts of this state more thoroughly than George Murphy, or talked with as many growers and farm workers.

And every time there's a flood disaster, George Murphy is out here interviewing the people made homeless, and then going back to Washington to urge that they be helped.

That's how he dances on the faces of the poor.

INFLATION HURTS THE AGED CITIZENS

Mr. HARRIS. Mr. President, in past months I have spoken several times about the price that our citizens are paying because of the continuing inflationary conditions in the country. While all segments of the population suffer from the administration's failure to act aggressively to solve this problem, perhaps none bears the burden as much as our retired citizens, who are forced to live on relatively fixed incomes at a time of continuing and large increases in the prices of everything they buy.

It is only natural that groups of retired citizens should turn under these conditions to political activism. Mr. Lawrence E. Davies of the New York Times has recently written an important article summarizing the attitudes of some of these citizens' groups, and I commend it to the attention of the Senate. It provides another testament in support of the opinion that inflation must be stopped. In some areas, such as transportation, it has been possible to allow the elderly discounts on the services they buy, but this is hardly a substitute for bringing the general inflationary tradition to a halt.

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

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

AGED, HURT BY INFLATION, TURN POLITICAL

(By Lawrence E. Davies)

SAN FRANCISCO, February 28.—The potential political power of millions of aging voters increasingly hurt by inflation, is attracting serious attention among politicians and the aged themselves.

Candidates and officeholders have long been aware of what power a united front of, say, 20 million electors 65 years old or more could wield. Now, with the cost of living still going up and fixed retirement incomes caught in a price squeeze, "senior power" is becoming a phrase to reckon with.

So far militancy, as exhibited in picketing and mass demonstrations, is at a minimum. But in state after state the elderly are engaging in club activities, ranging from social affairs to politics, and as they worry about housing and taxes as well as rising medical and insurance costs, experts agree, the social clubs may possibly take on political overtones.

Several Congressional committees have turned their attention to problems of the elderly, with the Senate Special Committee on Aging, headed by Senator Harrison A. Williams Jr., Democrat of New Jersey, in the forefront.

"I see more and more evidence of solidarity and growing numbers of older persons who are taking vigorous public positions on local and national issues," Senator Williams said the other day.

In Florida, Ed Kiefer, 73-year-old Republican chairman of Pinellas County (St. Petersburg and Clearwater), said that nowadays every statewide candidate "must take a stand on the matters of vital interest to the older people [or] lose at the polls." He added: "There is no question that the seniors, voting in a bloc, would be able to elect or defeat any candidate on the statewide ballot."

And Maj. Roy Nordheimer, 83, of Evanston, Ill., president of the Chicago Area Council, Senior Citizens Organizations, while noting that some progress had been made by the elderly during the last two years, warned that "there is an increasing feeling among our people that if we can't get what we need we'll have to be more drastic."

"We're not going out to break windows," he said, "but there's talk of picketing, mass meetings and going to Springfield [the State capital]."

AGED DON'T FAIL TO VOTE

In 1961, at the University of Michigan's annual conference on aging, it was concluded that "political interest and participation increase with age," that while only about one-half of young voters cast ballots, more than two-third of older voters do so. The conclusions of that conference are still valid, according to some participants.

The issue was put more succinctly by Dr. Wilbur J. Cohen, former Secretary of Health, Education and Welfare and now dean of the school of Education at the University of Michigan.

"Older people vote more predominantly," he said. "We've got a lot of young people raising holy hell but not voting. I believe we're going to see a greater degree of politicalization of the aged. They are going to organize more effectively and demand attention."

California has been a bellwether in organizations for the elderly. During the Great Depression it produced Dr. Francis E. Townsend's old age pension plan, designed by the one-time Long Beach physician to provide $200-a-month penions to all citizens 60 years old or more and thus restore national prosperity.

"Ham and eggs," the name applied to a $30-every-Thursday proposal and another plan calling for the payment of $25 every Monday also had their day, drawing substantial followings despite attack from economists, bankers, and businessmen.

AN EFFECTIVE ORGANIZER

The late George McLain, a shrewd and effective organizer, built up the national and California Leagues of Senior Citizens in the postwar era, participated in national political campaigns until his death five years ago and lobbied for a national pension based on the Federal minimum age.

In this state, with 2,080,000 residents over 65 (about 1 of every 4¼ votes) he was succeeded by Mrs. Myrtle Williams, a former director of the State Department of Public Welfare.

Mrs. Williams, a reddish-haired coiner of apt phrases, holds her conferences in a back room of a two-story, weathered black building with four white pillars, on South Grand Avenue in Los Angeles.

In its heyday the structure was a mortuary favored by Hollywood notables. A half-century ago throngs passed through its Guardian Angel Chapel to view the body of Rudolph Valentino, the "great lover" of the silent screen.

Mrs. Williams claims a membership—at $10 each annually for most of them—of about 50,000, a figure challenged as far too high by several persons connected with other organizations of the elderly.

One of her goals, is a national pension equivalent to the Federal minimum wage of $277 a month. It would also bring the program for the aged, the blind and the disabled under the Social Security Act.

"GANGING UP" ON GOVERNOR

"We get the most pathetic letters here," Mrs. Williams told a visitor. "Maybe if there's a 'grey haired revolt' up there on the Capitol steps [at Sacramento], it will be different. I don't think there is any businessman or officeholder that would like to see people on crutches—old, helpless—ganging up on the Social Security offices or around the Governor's office."

Many "senior power" buttons have been displayed by delegates to recent national conventions of the National Council of Senior Citizens, Inc., a Washington-based group of elders claiming a membership of more than 2 million, counting allied local and state clubs.

Nelson H. Cruikshank, its president, a former lobbyist for the A.F.L.-C.I.O on issues related to the Department of Health, Education and Welfare, said that despite its occasional picketing and other demonstrations the group emphasizes the phrase "no special interest" in all its literature.

"In the Social Security field," he added, "if they make great claims and lay the burden indiscriminately on younger working people they won't get anywhere. If a chapter opposes a school bond issue I tell them in a speech that you can't oppose your grandchildren."

This and other organizations of the elderly have negotiated agreements in some 20 cities under which aging residents may ride buses, street cars and subway trains at reduced rates. In San Francisco the 20-cent fare was cut to a nickel during off-hours for those 65 or over. They use various identification methods in different cities—medicare cards, special documents and so on.

GROUPS FOR ELDERLY GROWING

Reports from several strategic areas confirmed a picture of growing national, state and local organizations for the elderly, but only disclosed scattered instances of militant actions.

Last spring, when a huge new tax program was being considered by the Connecticut General Assembly, aging persons deluged the office of Gov. John N. Dempsey with tea bags as a symbol of protest against a proposed increase in the sales tax from 3½ to 5 percent. The old folks wanted a state income tax imposed. They failed and the sales tax was raised to 5 percent.

Frank L. Manning, a former organizer for the Congress of Industrial Organizations and now president of the Massachusetts Council for Older Americans—an umbrella-like group cooperating in legislative matters—predicted "a series of rent strikes."

"We have 40 senior citizens who have taken it upon themselves to move into vacant homes." he said, "It is hard to understand the inability of Government to spend for low- and medium-income people in the housing field when it is spending huge sums elsewhere."

Organized labor has begun to recognize a value in cultivating the aid of retired members. The Teamsters union has taken the lead in a mild form of militancy in Southern California.

Every week a picket line of retired teamsters, headed by Paul Teitelbaum, 69-year-old retired truck driver, marches in the Los Angeles area before business establishments in protest against the sale of products that the union is boycotting.

MILITANT TACTICS OPPOSED

One of the larger groups of elderly people—1.8 million of them—frowns on the picket line type of militancy. It is the American Association of Retired Persons, founded by the late Dr. Ethel Percy Andrus, an educator. It specializes in such services as insurance, travel arrangements and mail order filling of drug prescriptions.

Charles Heydon, in charge of the activities of its 679 chapters in the country, said he had detected no increased militancy "in the philosophy with which we work and the people with whom we work." He quoted Dr. Andrus's philosophy: "Promote the independence, purpose and dignity of the individual."

Some areas even reported a falling off of activities among the aging. A Coloradan reported:

"In previous years the aged were able to call the shots on old age pensions and were acknowledged as a political voice here. But agesters in Colorado seem satisfied with the state of things and not inclined to hit the bricks."

Florida, to which retired people still head in large numbers and where some 844,000 elderly belong to chapters of national organizations of the aging or to about 400 local clubs, is the site of much letter writing to Congress.

Seldon Hill, 73, of Orlando, who moved there from Providence, R.I. and heads the 11,000-member Florida Federation of Senior Clubs, Inc., is pushing not only for increased Social Security benefits but also for an amendment to the state's Homstead Exemption Law to enable a property owner to skip paying local and county operation taxes on the first $10,000 of assessed valuation, instead of the present $5,000.

"We have only one real weapon—the vote," Mr. Hill asserted. "I think our strength at the polls is understood."

In many places clubs of the elderly use facilities provided by cities and other governmental units, with the stipulation that they not engage in controversial matters. One Floridian, Burt Garnett of Key West, long active in "senior" organizations, criticized the elderly for not being more belligerent.

"They grumble and they write letters," he said, "and they spend a lot of time socializing when they ought to be working on an effective campaign to get some of their problems solved." He added, however, that "they are sore as hell" about such things as high auto insurance rates.

Only recently the Republican National Committee set up a series of small conferences, one at Whittier, Calif., President Nixon's home town, at which two staff members interviewed spokesmen for groups of the aging about their problems.

"They wanted no publicity on this," a participant confided. "They were prospecting. It was a listening post operation. But don't think the Democrats are not doing the same kind of thing."

A FINE DRUG EDUCATION PROGRAM FOR YOUTHS IN PRINCE GEORGES COUNTY, MD.

Mr. TYDINGS. Mr. President, one of the major domestic challenges facing us is whether we shall be able to solve the interrelated problems of drug abuse and juvenile crime. We know that a disproportionate amount of crime is committed by the young. Indeed, more than 50 percent of the persons arrested in 1968 were under the age of 18. That's why President Johnson's Crime Commission said, "America's best hope for reducing crime is to reduce juvenile delinquency."

We also know that juvenile crime is directly related to the increasing use of addictive drugs by the youth of our Nation. This is because most addicts must engage in criminal activities to feed their habits.

Mr. President, the Nation must commit itself to a massive effort to rehabilitate our youthful, drug-influenced offenders. Every State and local government in the country must address itself on an emergency basis to the extent of the narcotics problem it faces and the steps it can take to remedy it. And the Federal Government must provide the necessary leadership and assistance to help solve this pervasive, nationwide problem.

I am pleased that some of the most significant local progress against the narcotics plague has been made in my own State of Maryland.

In 1968, David G. Ross, the master of juvenile causes in the Circuit Court of Prince Georges County, Md., instituted a farsighted yet much needed program of drug education and rehabilitation for youth charged with drug abuse by his court. The program, entitled Guide, works to direct the youths to other community agencies as well as to provide them with information and guidance in a small group setting. The program now receives volunteers from the community as well as court referred youths. The purpose of the program is to provide the youths with reliable information to help their behavior and to help them abstain from dangerous drug abuse.

Physicians and psychologists from area institutions have volunteered to serve as the leaders of the program. These publicly minded volunteers deserve our highest recognition and respect. Included among the volunteers are: Duane F. Alexander, M.D., W. Edwin Dodson, M.D., William G. Johnson, Ph. D., David G. Ross, J.D., Peter Wright, M.D., and Richard Wunderlich, Ph. D.

Drs. Dodson, Wunderlich, and Ross have prepared an article describing their drug abuse program, and I think it deserves our attention. The article was written in Dr. Dodson's private capacity, and no official support or endorsement by the National Institute of Child Health is intended or should be inferred.

I ask unanimous consent to print the article in the RECORD at this point.

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

A FINE DRUG EDUCATION PROGRAM FOR YOUTHS IN PRINCE GEORGE'S COUNTY, MD.

INTRODUCTION

In the fall of 1968 two groups of adolescents charged with drug abuse were referred to an experimental program of drug education. The purposes of this program were to determine the nature and extent of the problem among nonaddicted adolescents and to explore avenues of drug education and individual rehabilitation. Since this beginning the program has been continued for seven adolescent and two parent groups. The groups have been directed by part-time, volunteer physicians and psychologists recruited from the area institutions—National Institutes of Health, Catholic University, National Naval Medical Center, and Walter Reed Army Hospital. The accomplishments enjoyed by these workers in no small part have been due to the complete support and cooperation of the Juvenile Court of Prince George's County brought to bear by David G. Ross, Master of Juvenile Causes. This support provided the impetus for the program's inception and has permitted its quiet evolution of objectives and mechanisms.

OBJECTIVES

The educational purpose of the program was to provide factual information regarding drug abuse—effectively communicated—to give the court referred youth the means to behave rationally and responsibly, i.e., to abstain from drug abuse. This philosophy assumes the participants have well integrated personalities and will integrate facts into effective courses of action. Unfortunately the participants have not been as clearly capable of using the data.

As a group these adolescents tend to have difficulty over the broad range of adolescent problems. Within this context, drug abuse becomes a symptom of the youth having difficulty. Viewing the youth within the family context as a primary social unit, drug abuse becomes a symptom of a family having difficulties. This is not intended to blame the family in a moment of stress, for the forces causing drug abuse are certainly diffuse and pervasive throughout society. However, since the family is identifiable and to a degree held responsible for its misery, it provides a base for changing the unacceptable behavior. At the same time it is an empirical fact that attempts at behavior modification in children must enlist the family's support or be undermined by its resistance. Parental involvement and understanding facilitate the adolescent's learning to use new techniques in problem solving. The youth is viewed then as emerging into adulthood from the fundamental family unit. The manner in which this emergence is directed, facilitated, or obstructed partially depends on the family's ability to solve problems. Therefore the focus of the program is on adolescent problems, with drug abuse given a position of priority. Within this framework the youth are encouraged to seek solutions—satisfying emotionally and socially—by utilizing effective communication and rational appraisal of alternatives.

The following specific objectives have emerged as operational goals: (1) Presentation of objective factual information concerning the benefits and harms of drugs which are abused. (2) Development of more effective communication to enhance the adolescent's ability to solve his problems in a personally fulfilling and socially productive manner. (3) Recognition of individuals with psychopathology who require individual longterm therapy in the area of interpersonal relations (and/or intrapersonal relations) to function more effectively in society—and their direction to appropriate therapy. (4) Provide effective rehabilitative alternatives for a judicial system overbur-

dened with more immediate social problems. These objectives have action implications which become more apparent when discussed in the context of program dynamics. In summary, the program seeks to give the youth effective information and to help him learn to use it in solving his problems and defining his goals.

STAFFING

Professionals have been recruited from area institutions to perform services of intake evaluation and group direction. Staff members are young physicians and psychologists with varying backgrounds. They volunteer for participation in the program for sessions of three to four months at one meeting per week. The program pays their actual expenses incurred—licensing, insurance, transportation—and offers an honorarium. Aside from part-time secretarial support, there are no salaried positions. Thus far only professionals have been utilized as group directors.

Few staff members enter the program with a broad knowledge of dangerous drugs or patterns of drug abuse. This information is quickly acquired since the workers are motivated and intelligent. Reading materials and bibliographies are disseminated through the program. New doctors entering the program first participate in established groups to provide in-service training in how the program operates and how groups are conducted. Staff meetings are held to share common problems and to standardize operating procedures within useful limits. Staff workers are given a broad latitude in developing their own mode of presentation. The staff has functioned well with good cooperation on operational techniques and goals.

Since the start of this effort, there has been recognized a need to expand our resources for two purposes: first, to provide more intense support where needed in terms of being able to provide a one to one ratio of workers to patients; second, to reach the at-large drug abusers in the general population. To accomplish this first end, the program should provide a base for enlisting college and graduate students to provide the close support required. To accomplish the second end of reaching the drug abusers at large, youth volunteers would seem to be the most economical and to have the greatest potential for success.

The volunteers' most valuable asset is their sensitivity to interpersonal relations and previous experience in dealing with groups. In general the professionals are young, minimizing the communication gap (sometimes called the generation gap). The appeal of the program for these individuals seems to be the meaningful contact and challenging experiences they share with the participants as well as a feeling of involvement in a program of interest and value to the community.

PROGRAM INPUT

Court referrals

Figure 1 displays the pathways a juvenile might travel following his arrest for drug abuse in Prince Georges County. When he is arrested, a petition is filed formally charging the youth with an offense. Following arrest he is detained, pending arraignment. After the petition is reviewed by Juvenile Services, the youth is brought to arraignment where he is advised of his right to an attorney and of the charges to be brought against him. A trial is then held. At the trial or "Hearing of the Merits" the youth is faced by his accuser with the available evidence before the Master of Juvenile Causes. The Master determines if the youth is involved and then makes a disposition. The following remedies are available: waiver of jurisdiction to adult court, commitment to a forestry camp, commitment to a training school, probation, suspended sentence or dismissal. All decisions of the Master may be appealed to the Circuit Court. Should the youth be assigned to GUIDE, no finding of delinquency is entered by the Master. The youth and his family are involved for a period of three to four months. The program then submits its recommendations for the youth to the Master of Juvenile Causes, who now has the option of dismissing the case without entering a finding of delinquency. As can be seen, the youth can be rehabilitated without establishing for himself a record as a juvenile offender.

Volunteers

Apart from the court referrals a youth may enter the program on a volunteer basis. This is accomplished by the parent or child calling a publicized telephone number, 627–5686, and being seen by the GUIDE intake officer. Individuals voluntarily entering the program are never known to the Court or law enforcement officers by nature of this contact. Failure to participate or to attend faithfully invites expulsion from the program. An adolescent who wishes to enter the program without his parents' knowing will be seen twice in intake. After this the parents must be involved since we seek their support and indeed must obtain their consent for the juvenile's participation.

PROGRAM DYNAMICS

The operation of the program may be divided into the phases of intake and triage, grouping, and group operation.

The program is short termed—lasting only four months. This limits the extent to which the education process can be expanded, i.e., no major personality renovations are sought. Rather the program seeks to alter the adolescent's direction by teaching him effective methods of problem solving. In brief, he must learn to recognize his own motivations and the motives of those around him, and he then must apply rational critical judgment in selecting behavioral alternatives. As stated previously, drug abuse is perceived as one of many pitfalls the adolescent must dodge in the process of personality development.

INTAKE AND TRIAGE

A family referred or volunteering to GUIDE is seen first for intake evaluation. At this meeting the doctor interviews the parents and child both together and separately. He explains that communication within the program is confidential and that participants are encouraged to discuss their problems and experiences openly. This fundamental openness is essential to effective functioning of the program. It is explained that this program is nonpunitive and recommendations submitted by group leaders on court referred cases include only the positive aspects of the individual's participation. It is made clear that abstinence from drug abuse is expected and that their involvement in continued drug abuse jeopardizes the program as well as their personal liberty. From this interview the doctor obtains information about the youth's experience and knowledge of drug abuse, the nature of the family's interpersonal relations and pertinent psychological data. On the basis of this data, the doctor determines what type of experience will be most beneficial for the applicant, and he may either assign him to an appropriate group or refer him to a more suitable agency such as Prince George's County Mental Health, Family Services, or private psychotherapy.

As mentioned previously, one of the objectives of the program is to detect individuals who are mentally ill and in need of treatment. When these people are seen, they are sent to Prince George's County Mental Health for psychiatric evaluation and therapy. Similarly families with marital problems are sent to Family Services. Applicants with overt psychopathology severe enough to prevent their participation in a group rceieve individual therapy. However, if it is felt that an applicant might benefit from both the group program and individual attention, both referral and inclusion are undertaken.

Our intake experience has demonstrated a significant number of juveniles to be addicted or nearly so. These adolescents require intensive therapy and pose one of the most pressing problems for rehabilitation. To our knowledge there are no facilities in the metropolitan area which are youth oriented. Suitable candidates are referred to adult programs in the District of Columbia. These sources are found in the Drug Central Directory. A few of these applicants are not candidates for these programs and are retained in a group setting to maintain contact with them until better opportunities are available, realizing that their needs cannot be met solely in this type of group educational program.

Grouping

Groups are formulated to include compatible members with mutual characteristics of age, history of drug abuse, and to a degree, social experience. In general, friends are not placed in the same group insomuch as their previous ties reduce their effectiveness in the group through clique formation, etc. Court referrals and volunteers are intermingled so that the motivation of the latter group may be shared by the captive participants. At least two girls are placed in the group together. Whenever possible, area of residence is considered in grouping to minimize transportation problems. Parents' and adolescents' groups are scheduled at the same place and time to also facilitate transportation. Parents similarly are grouped according to mutual needs and experiences in terms of dealing with their children whenever possible.

Group operation and techniques

The methods of group operation incorporate the techniques of group therapy and group dynamics. The common goal of abstinence from dangerous drugs receives considerable support in the group situation. The individual develops a responsibility to his group as well as to himself to avoid situations which might cast a bad light on this association. For the court referred participants, the group functions as a sympathetic setting to discharge the anxiety aroused by passage through the court system.

Within the group, the leader may make rather directive demands on certain participants. For example, all participants are expected to be in an educational setting working toward a goal—be it vocational or academic. Similarly, part-time employment is often requested of the youth when it seems advisable. In the case of court referred participants, these activities are sometimes imposed as strong expectations rather than subtle suggestions. Thus the groups operate in a permissive atmosphere of free discussion of problems and potential solutions while exerting gentle guidance toward acceptable behavior.

Many techniques of instruction have been tried and each group leader utilizes the successful methods of past groups. In addition, they are encouraged to try novel approaches and materials. The most effective mode of presenting material continues to be in the setting of the group discussion where the members contribute most of the information. The leader serves as a reference to separate fact from fiction, to indicate what is unknown, and to fill in the gaps. Usually no participant has a wide range of knowledge but within the group most points will be volunteered.

A wide variety of films are available. They are most useful as catalysts for discussion. In general the adolescents question the credibility of films and they are critical of the modes of presentation which become quickly outdated. Generally, discussion time is more productive than film time.

Role playing is an enjoyable and useful technique in which the leader and various

members of the group adopt parental or adolescent roles. Other group members comment on attitudes and communication techniques and derive considerable insight from observing and participating in the interaction. This also provides a useful testing ground for the adolescent to "try out" new attitudes which one is seeking to teach him.

Psychodrama and videotaped improvised drama are being evaluated as additional techniques to provide the participants another porthole to view critically their own actions and attitudes.

Much good literature is available. Emphasis is first placed on critical reading and interpretation of popular materials. Once this notion of critical assessment of printed material is introduced, the participants are happy to receive credible materials which are quickly assimilated. A few of the many sources are listed in the bibliography. Group leaders occasionally have brought original articles from scientific literature concerning drugs for reading and discussion within the group. Though large, this source of material is generally too difficult for the average participant to comprehend due to the technical nature of the presentations. In summary, books provide a useful adjunct in accomplishing the informational objectives of the program.

A multiple choice examination designed to emphasize factual material concerning drug abuse has been formulated. This test stresses the differentiation between addicting and nonaddicting drugs, classification of drugs, and it deals with popular myths concerning drug abuse. It serves several functions. It indicates the relative degree of sophistication of any group. It tends to explode the pretense that one may "know all there is to know" about drug abuse—a defense occasionally employed by applicants resisting the program. Within the program it stimulates discussions as it is reviewed, often going beyond the specific area of drug abuse. In its broad range it provides an outline for material to be covered without being a rigid program or schedule. Finally, the examination could measure the effectiveness of the instructional phase of the program when it was given terminally.

Finally, guest participants such as rehabilitated addicts are used to present insightful glimpses into the potential misery of drug abuse.

Program content

A detailed account of the polemic is beyond the scope of this endeavor. Much of the material we seek to convey may be directly obtained from sources in the bibliography. We teach the psychological, physical, social and legal consequences of drug abuse in as objective a manner as possible. The discussion is directed to a mature plane. The goal is to bring out the facts rather than to win an argument. The dampening of emotionality in this situation facilitates communication of the material. Scare tactics are notably avoided, but realism is pursued in exploring the harms and benefits of the drugs considered. Drugs which are routinely scrutinized include marijuana, LSD, amphetamines, alcohol, and opiates. Drug abuse is contrasted with appropriate medical usage and this framework is then used in examining popular usage of sedatives, tranquilizers. and stimulants.

Common adolescent problems are considered. Goals, relationships to authority and parents, education, selection of occupation, and sex are areas of interest and concern. In these areas as with drugs the approach which is most productive is the group discussion with frank presentation and weighing of behavioral alternatives based on examination of the facts—concrete and emotional. This attention to the wide range of the participants' concerns strengthens the new attitudes and behaviors they acquire in any given area.

DISCUSSION AND CONCLUSION

When the program was first conceived, a solely educational approach was anticipated. Education is the great American panacea for curing social ills. In a few cases drug abuse may be promulgated on ignorance, but the establishment's message that drugs are dangerous has always been loud and clear. The nature of the danger often was not so well articulated. However, responsible spokesmen have become more aware of the scientifically established risks of drug abuse and fewer old wives' tales are transmitted. Unfortunately, a sizeable credibility gap between youth and social institutions grew up before this dissemination of knowledge. Effective communication of data both to the youth and interested adults is thus an important function of a program such as this. If other institutions effectively could supply this information, there would be no need for the educational aspect of our program.

As previously mentioned, we have become aware that possession of the facts will not necessarily determine that youth will abstain from drug abuse. Thus we have been led to dealing with the youth's ability to examine alternatives and to behave responsibly. The theme has been stated many times, namely, we seek to instruct the youth to examine his motives and the motives of those close to him, to view the behavioral objectives critically and to select a behavior which most satisfies these in achieving his goals. The concepts of delayed gratification or temporary sacrifice must be spelled out as it relates to this process. Learning this process is really the task of the developmental period called adolescence. The ability to use it can be equated roughly with emotional maturity.

Why be concerned about emotional maturity in adolescents? The court attempted to refer straightforward cases of adolescents convicted of drug abuse to the program—presumably healthy teenage experimenters. Of the first 35 cases, selected only to exclude recognized addicts, there were 14 cases of diagnostic psychopathology, ranging from adolescent adjustment reaction to borderline schizophrenia. Most of the arrests were group arrests with the police being instructed to pull in as many involved parties as possible. Yet 40% had a diagnosis of emotional problems.

It is apparent that the most compelling problem of drug abuse is its interference with the process of emotional maturation and personality development. In fact, in the case of "soft drugs like marijuana, this is the single most detrimental effect. Thus the problem in adolescents is somewhat circular—emotional immaturity begets drug abuse begets emotional immaturity. In its extreme this emotional immaturity may approximate mental illness. More often it costs the youth valuable time and may cause him to miss opportunities which do not present themselves again.

The selection of a name for the program has been difficult. From many contenders the name GUIDE has emerged as the most acceptable. Its meaning to the establishment and drug communities is similar in that it connotes a compassionate leadership through an unknown area. As an acronym it represents guidance, understanding, infromation in drug evaluation—principles embodied in the program.

Finally, just as GUIDE has been developed to deal with juveniles who abuse drugs, perhaps similar programs could be developed to deal with juveniles with other problems. The use of volunteer probation officers or counselors could relieve the heavy burden now shouldered by Juvenile Services. In addition one would expect more favorable results than now exist because each counselor would be highly motivated and would have only one probationer. Community resources are vast; they only await mobilization and application.

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES AT GEORGETOWN UNIVERSITY

Mr. PELL. Mr. President, I have recently read in the press various comments concerning the Center for Strategic and International Studies at Georgetown University.

As a member of the advisory board for the center, I have followed these comments with special interest.

While the origin of the center was conservative in orientation, and many of its advisory board members hold conservative viewpoints, and are identified with the military and corporate sectors, I think it fair to note that less than 5 percent of the center's financial contributions come from defense industries, and the center takes no Government contracts. I really believe that it is making a very strong effort to make sure that the middle of the road viewpoint is presented also.

In this regard, Dr. David M. Abshire, the center's executive director, has played a positive role. While I would probably not be in agreement with the political views of many of the center's advisory board members and all of the policy conclusions of its reports, I do believe that a very genuine effort is being made by Dr. Abshire and his colleagues to bring the center's thinking down a bit more on the liberal side of issues.

Guidance in the formulation of research projects of the center is provided by a research council.

The research council is ably chaired by Prof. Philip E. Mosely, associate dean of the faculty of the Columbia University School of International Affairs, and former director of studies of the Council on Foreign Relations in New York. Under Professor Mosely's leadership, the council has grown significantly. The present membership of the center's research council is composed of the following:

Dr. Philip E. Mosely, chairman, dean of the faculty, school of international affairs, Columbia University.

Dr. Karl H. Cerny, chairman, department of government, Georgetown University.

Dr. Jules Davids, professor of diplomatic history, Georgetown University.

Prof. Walter Laqueur, director, Institute of Contemporary History and Wiener Library, London.

Prof. Bernard Lewis, department of history, School of Oriental and African Studies, University of London.

Dr. Kurt. L. London, director, Institute for Sino-Soviet Studies, George Washington University.

Dr. Laurence W. Martin, professor of war studies, King's College, University of London.

Ian S. Michie, vice president, zone executive for Middle East and North Africa, Chase Manhattan Bank.

Dr. Thomas C. Schelling, professor of economics, and faculty member, center for international affairs, Harvard University.

The Hon. John W. Tuthill, director-general, Atlantic Institute (Paris), former Ambassador to Brazil, 1966–1969.

Dr. Joseph L. Tryon, associate profes-

sor, department of economics, Georgetown University.

Dr. Charles W. Wagley, director, Institute of Latin American Studies, Columbia University.

Dr. Richard L. Walker, director, Institute of International Studies, University of South Carolina.

Dr. Henry C. Wallich, professor of economics, Yale University, Senior Advisor to the Secretary of the Treasury.

Dr. Robert E. Ward, professor, department of political science, University of Michigan.

Dr. John C. Warner, president emeritus, Carnegie-Mellon University.

The center's senior research staff for 1970 consists of the following:

Dr. David M. Abshire, executive director.

Dr. Alvin J. Cottrell, director of research.

Dr. Sevinc Carlson, Middle East affairs.

Dr. Robert A. Kilmarx, Sino-Soviet affairs and maritime affairs.

Mr. Abraham Brumberg, Communist affairs.

Dr. Michael A. Samuels, African affairs.

Mr. James D. Theberge, as of summer of 1970, Latin American affairs.

Mr. Jon Vondracek, communications.

Mr. Richard J. Whalen, special projects.

Research Council member Walter Laqueur has just written a new study of the Middle East under center auspices. It is entitled "The Struggle for the Middle East" and has been published by the Macmillan Co. The last chapter of this book was carried on the front page of the Outlook section of the Washington Post on Sunday, January 4, 1970. Mr. President, I ask unanimous consent to have printed in the RECORD a review of the book which appeared in the New York Times.

I am pleased that the center increasingly encourages the expression of differing views, as was done, for example, in its seminar on sea power chaired by Columnist Robert Novak. The seminar had protagonists for and against the military, spokesmen from labor and business, as well as scholars and media people. This is a tendency that I have done my best to encourage.

Research institutes associated with universities have become a source of student controversy. It is worth noting that the center does not take Government contracts or do classified research. Also, I would like to call attention to a perceptive article by Don McNeil, editor-in-chief of Georgetown University's student publication, the Hoya. The article gives a student view of the center's evolution from the narrow base of purely national security issues to a broad range of interests and greater diversity of views. Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

[From the New York Times, Jan. 11, 1970]

THE STRUGGLE FOR THE MIDDLE EAST

(By Peter Grose)

The decade of the sixties saw the flourishing of Soviet influence and participation in the politics of the Middle East, a substitution by invitation—not by conquest—for the traditional Western presence. In a geopolitical context, this appeared to be the final realization of a Czarist dream.

Walter Laqueur is one who believes, and argues persuasively, that this fact of the decade is neither final nor necessarily disastrous for the West, that the liabilities for the Kremlin are already coming to outweigh the benefits and that the Russians will be no more capable of taming Arab politics to their advantage than were the French, the British and lately the Americans.

In the 14 years from 1954 to 1968, the Soviet Union provided arms and military equipment to Egypt, Syria, Iraq and Yemen to an estimated total of $4.5-billion—about what the United States spends in two months for the war in Southeast Asia. With this investment, the Soviet Union gained a dominant role for the first time alongside the Western three powers in defining the conditions for peace and a balance of power in the eastern Mediterranean. How they did it, and what they are going to do with it is the subject of the prolific Mr. Laqueur's much needed updating of his two earlier works, "Communism and Nationalism in the Middle East" (1956) and "The Soviet Union and the Middle East" (1959), written when the movement was barely beginning.

Nearly half the volume is an appendix of documents, theoretical articles and statements gathered conveniently together to show the evolution of Soviet and Arab thinking about their mutual relationships. Another 100 pages weaves through the twists of politics and coups in each country, a necessary almanac of events which only a computer memory could retain without constant refreshment.

Mr. Laqueur believes that from about 1965 on the Soviet investment of funds and political support began producing diminishing returns in the Kremlin's global portfolio. He writes, "The outbreak of war in 1967 and the war scare preceding it were part of a chain reaction which had been started by Soviet leaders in cooperation with their allies in the Arab world, over whom they gradually lost control. Accident, misunderstanding and misinformation played a great (and growing) role once the train of events had been set in motion."

After the Six-Day War, the Soviet Union rescued its position from the near-humiliation of its Arab clients' defeat, but only at immense cost—over half the military aid supplied in 14 years came in the one year after the 1967 war. In an incisive and succinct passage, Mr. Laqueur defines the facts dividing doves from hawks in the Kremlin in 1967, facts which presumably hold true today with even greater vigor.

The doves: the intelligentsia, fearful that the anti-Israel stand was primarily anti-Semitic; the technocrats and even some of the military leaders, questioning a lavish outlay of investment funds more needed for the domestic economy—"they failed to understand why priority should be given to foreign countries ruled by non-Communists, and not too efficiently at that"; the Communist party *apparatchiks* concerned with the world movement, realizing that outlying Communist parties did not share Moscow's anti-Israeli views, and even ruling parties of Eastern Europe who had to foot some of the bill for Soviet aid.

The hawks: "Guardians of party orthodoxy," who had long since resolved the old dilemma of supporting military regimes that were less than tolerant of their home-grown Communist parties; those in all reaches of Soviet society who frankly disliked Jews "and were glad to rationalize their feeling in ideological terms"; finally, Mr. Laqueur writes, "there were not a few in the army, the leadership of the party and the Communist youth organization, the Komsomol, favoring a more dynamic and expansive foreign policy and demanding that Israel be 'taught a lesson.'"

The Soviet leadership cannot afford—politically or economically—another Arab defeat, Mr. Laqueur believes; hence Moscow's willingness to cooperate with the Western powers in keeping the tensions just below the level of a general war. But he is pessimistic in the short-run that the Russians can control their Arab clients any better now than they could in 1967. Even worse, he fears, the Russians have been so sucked into military and political cooperation, mainly with Egypt, that there is a very real question as to whether they could remain aloof from a general war as they did in 1967.

Mr. Laqueur considers the long-run success of the Soviet penetration quite problematic. It is historically in the interests of the Arab regimes not to fall into exclusive dependence on any one outside power; that is why they pulled away from their colonial masters in the West, and why they should be expected to do the same from their Eastern mentor.

The Russian military and technical programs in the Middle East have been designed to create a new Soviet-trained élite on the assumption that those who receive their training in the Soviet bloc will be oriented toward the East in the same way earlier Western-trained generations tended to be pro-Western. It is by no means certain that such assumptions are correct; prolonged exposure to life in the Soviet Union and the other Eastern bloc countries does not necessarily convert foreign residents to Communism.

It is the plight of anyone writing about the Middle East to be out of date before one is even in print. Mr. Laqueur accurately predicted the problems to Soviet policy of the rising Palestinian guerrilla movements, problems the Kremlin has shown signs of recognizing only in recent weeks. At the conclusion of this volume, we have a signpost to the theme of Mr. Laqueur's next updating: the decade of the 1970's may well see the decline of the presently established governments and their Soviet patrons, not in favor of a Western recovery, but rather to the benefit of guerrilla militants advocating the Maoist revolutionary ideal.

[From the Hoya, Sept. 18, 1969]

AN ANALYSIS OF GU'S "THINK TANK"

(By Don McNeil)

Although it is located only one mile from the Georgetown campus, the University's Center for Strategic and International Studies is less familiar to most students than the terrain of the Sea of Tranquillity. Few have even heard of it, and, among those few, misconceptions abound.

Many of these misconceptions arose from an article published in the June issue of the *Washington Monthly* magazine. Pointing to the fact that the "American Enterprise Institute . . . gave financial and administrative birth to the Georgetown Center," Mr. Berkeley Rice, the author of the piece, went on to point to AEI's dubious reputation as a right-wing lobby organization.

FOUNDING OF CSIS

What he failed to point out, however, was the fact that the Center dissolved all connections with AEI three years ago.

The Center was founded in 1962 as an independently financed affiliate of the University. The founding fathers included Adm. Arleigh ("Thirty-one knot") Burke, Chief of Naval Operations from 1955 to 1961 and presently chairman of the Center; Mr. David M. Abshire, a former chairman of special projects at the American Enterprise Institute, who now serves as executive director of CSIS; and the Rev. James B. Horigan, S.J., director of library services at Georgetown and a member of the Center's Executive Committee.

Although Adm. Burke is widely known as a hard-line militarist, he is perhaps most responsible for assuring a diversity of opinion on Center panels. He sees his main duty as chairman "to make sure that all aspects of a problem are examined; that a man's views are there in his own words." Stressing the interdisciplinary nature of the Center, he pointed out that while he was Chief of Naval Operations he found it difficult to "get economists and strategists to confront one another."

While the University's financial connections with CSIS are admittedly slight (the treasurer's office does their bookkeeping, but there is no exchange of funds), the relationship on other levels is a substantial one. Dr. Rocco E. Porreco, dean of the Graduate School, and the Rev. Edward B. Bunn, S.J., chancellor of the University, will soon join Fr. Horigan on the Executive Committee, the body which is responsible for the administration and financing of the Center.

In addition to these administrative watchdogs, the Center must also answer for all its actions to the office of the President. In the past, particularly during Fr. Bunn's tenure as Georgetown's chief executive, there has been active interest from that office, and Georgetown's new President, the Rev. Robert J. Henle, S.J., has already served notice that he intends to continue that tradition. Shortly after his arrival here last June, he took a close look at the think tank's activities, largely in response to Rice's charges. Although his investigation showed these accusations to be completely unfounded, Fr. Henle expects to continue his interest in CSIS affairs.

The purpose of the Center, according to its publicity brochure, is "to advance the understanding of international policy issues through interdisciplinary study of emerging world problems." It attempts to accomplish this purpose through a series of panel discussions, seminars, post-doctoral research grants, fellowships, and research conferences. It has also, through its Distinguished Writer's Award program, helped to bring about the publication of several books on major foreign policy issues.

Overseeing these various efforts are three administrative bodies. In addition to the Executive Committee, which has a heavy concentration of men with military or industrial backgrounds, the Center must also answer to its Advisory Board and Research Council. The former consists of representatives from CSIS's various communities of interest, in addition to the entire Executive Committee. Since Center studies always involve international policy, the Advisory Board quite naturally has many defense specialists and international businessmen among its members. However, they meet only once a year, and have been likened by CSIS members to Georgetown's Board of Regents, an advisory group at best.

RESEARCH COUNCIL

The body most responsible for the integrity of CSIS, though, is the Research Council. Although it is little more than a year old, it has already been responsible for an increase in the diversity of opinion brought to bear on research problems. Its functions include the suggestion and approval of topics to be studied and the procurement of reputable scholars to discuss those topics. The Council consists of approximately 16 experts in economics and foreign policy, including Drs. Karl H. Cerny, Jules Davids, and Joseph L. Tryon of Georgetown University.

The staff of the Center itself is actually quite small, embracing approximately 30 members, of which more than half are secretaries. Thus the Center is forced to be, in the words of Mr. M. Jon Vondracek, the director of its communications program, "the catalyst and the forum for experts, for expert opinions from highly diverse sectors."

One of those sectors is, of course, the academic community, and in this area the University's interest is more than slight. In addition to the three faculty members on the Research Council, several other professors have either been involved in Center projects or have accepted grants for individual research. These include Drs. Eleanor L. Dulles, Paul S. Ello, Siegfried Garbuny, John Lydgate, Thomas Dodd, Murray Gendell, Hisham B. Shirabi and Joseph Schiebel. The latter two received grants this summer to study abroad. Dr. Schiebel, chairman of the University Russian Area Studies Program, spent June and July in Moscow and Leningrad, while Dr. Shirabi recently returned from the Middle East. In general, faculty members are chosen by the Center after consultation with various department heads.

CONSERVATIVE PAST

While a quick glance at the above list of Georgetown's faculty members certainly confirms Vondracek's use of the words "diverse sectors," the Center's early days were by no means free of Strangelovian tendencies. Indeed, a list of their early publications reads something like a Defense Department priority sheet. Topics included Soviet nuclear strategy, Soviet nuclear materials, the strategic implications of East-West trade, and a 1,072 page exegesis entitled "National Security: Political, Military and Economic Strategies in the Decade Ahead." This epic work frightened many by its mere size and many more with its conclusions.

However, Vondracek is quick to point out that "Georgetown was a very different place then. Just as Georgetown has changed over the last few years, the Center has also changed." This has been reflected both in the widening scope of CSIS studies and in the greater range of views reflected in those studies.

The differences in the Center can be traced to the break with the American Enterprise Institute. Freed completely from its conservative shadow, the Center has been able to do comprehensive studies on such nonstrategic topics as Portuguese Africa and the large concentration on area studies recently led to the addition of the word "international" to the institution's name.

LIBERAL CONCLUSIONS

Even when its studies do have some strategic implications, their conclusions occasionally take quite liberal stances. For example in a Special Report issued in May of last year, a panel of experts recommended that "the United States should welcome Japanese efforts to open further contacts with the Chinese Peoples' Republic. . . . The United States should not press the Japanese to avoid trade in strategic items with Communist China."

However, even when the majority opinion is conservative, the Center always provides its panelists with the opportunity to disagree and prints their comments in full. In a recent study of the implications of British withdrawal from the Persian Gulf Thomas R. Stauffer of Harvard University disagreed with the suggestion of the majority "that the United States maintain a counter-presence in the Gulf." He stated that "such a reaction appears to be myopic and allopathic; it is a reaction to the symptoms and not to the real disease." Such comments are encouraged, and are by no means rare.

While Dr. Abshire believes that the Research Council is most responsible for the increase in the quality and scope of Center work, there are certain safeguards in its make-up which guarantee the integrity of its reports.

When researchers are gathered to study a program, they are not under the control of CSIS. In the words of the executive director, "It would be an affront for a Center member to approach an expert and try to influence his decision."

However, the Center's most impressive credential at a time when most research institutes lack credibility because of government ties is that it "has never accepted any government contracts," according to Dr. Abshire, "nor (does it) have any intention of accepting any. "Vondracek considers the Center "perhaps anachronistic in its allegience to a certain type of independence beginning with its independence from the federal government."

CSIS CONTRIBUTERS

While its independence from the government is beyond reproach, its critics often point to its monetary supporters as being an integral part of the military-industrial complex. While the Center's list of contributors is strictly confidential, there have been leaks. For example, there are ten oil companies and seven oil-supported foundations who are known to contribute to CSIS.

There are some campus critics who object to the fact that those who give most to the Center are also those who benefit the most. (The Persian Gulf study points out the dangers of a disruption in the supply of oil from that region). They conclude that this might very well influence the objectivity of CSIS-inspired research and discussion.

In answering these charges, Abshire notes that "the value to corporations would drop if there were an attempt to shape the research." He states categorically that the Center "accepts no contracts from any of its contributors" although "some foundations occasionally earmark their funds for specific area studies." However, he is quick to point out that "control and direction are under the Center in its largest capacity."

An example of this "area earmarking" was the grant two years ago by the Lily Foundation which specified that the money be used for the study of Latin America. It did not specify what facet of Latin American life should be studied nor who should do the studying.

The Center's funds are rather small for a major research institution. Its resources average $500 thousand a year, divided among some 43 supporters. Of these, the major contributors are foundations although there are a number of corporations that donate amounts ranging from $1000 to $5000.

While the Center is handicapped by its lack of funds, Abshire believes that, for its size, the Center "does more in the way of fine research than any other similar institution. Despite its defects, what center has the real, live diversity that this center has?"

THE FUTURE

Although the Center is small now, it is growing every year. As more and more funds are solicited, an increasing number of Georgetown professors will have the opportunity to participate in research programs. Without a doubt, this is quite beneficial to the professors themselves and ultimately to the students they teach. However, the majority of the undergraduate student body often seem to derive little benefit from Center activity.

Adm. Burke thinks that this is the way the situation should be. "If we were to have a lot of briefings with undergraduates, we wouldn't have time to consider all the problems which we must consider." However, he has suggested that "some undergraduates can sit in on some of the conferences as observers."

Vondracek takes a somewhat different approach: "After careful consideration, applying exactly the same intellectual and academic disciplines that we try to apply to our studies, we can decide what would be most beneficial to Georgetown, to its full community." In the immediate future he plans to at least increase communication between the main campus and CSIS, chiefly through the University publications.

As the reputation of the Center becomes

more creditable in academic circles, as its methods become more objective, it will undoubtedly enhance the prestige of Georgetown University. Future projects include the release of comprehensive studies on Brazil and Portuguese Africa, as well as greater emphasis on research conferences of prestigious scholars with diverse views.

Jon Vondracek, however, thinks that perhaps the Center's greatest contribution to Georgetown is related to its function of research. Pointing to the definition on the cover of University magazine, he remarked recently, ". . . this definition is very clear. The university has several functions—it teaches, it does research, and it grants academic degrees. It now has another function: it participates in this community. We are research. Brookings has gone a step further; it is a university without students."

Hopefully, the Center will not follow Brookings' lead.

LOWERING THE VOTING AGE TO 18

Mr. MOSS. Mr. President, I strongly favor lowering the voting age to 18. I will support either a constitutional amendment or an amendment to the Voting Rights Act to accomplish this objective.

Congress, if it wishes, has the power to set the voting age at 18 by statute. Under the 14th amendment, Congress has the power to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and, therefore, a denial of equal protection under the law.

I believe that this discrimination against 18- to 21-year-olds is invidious and that Congress should so find.

The reasons why the minimum voting age should be lowered to 18 are familiar to us all. Young people today are better educated, more mature, and more sophisticated than ever before. At 18 they can be drafted to fight for their country, marry, make a contract, and are legally responsible for their actions—both criminal and civil. But because of tradition going back to 21-year-old maturity of feudal times, they cannot vote.

Giving 18-year-olds the vote will not close the generation gap, but it can help. Young people will have more reason to concern themselves with the issues that plague their parents.

Moreover, setting the voting age requirement at 18 will make our electorate more truly representative of our society.

Unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government.

As I said, these are familiar arguments which need no elaboration. Their logic is irrefutable. But why then, has nothing been done? Why are millions of qualified voters still without the franchise?

Partly because things move slowly around here. But the main reason why the voting age has not been lowered, in my opinion, is fear. Too many entrenched establishment oldsters fear change, any change. Perhaps they fear that the slogans and rhetoric of the past will not carry the day with a new group of voters. Perhaps they fear an electorate that questions old dogmas.

Perhaps there are other reasons of self-interest for opposing the 18-year-old vote. But I suspect opposition is based on emotion—a gut fear.

These fears should be discussed, but they should also be exposed. Exposed so that young people may know who and what is blocking change.

As with the question of in loco parentis and student participation in the university decisionmaking process, it comes down to a matter of trust. These young people do not want to take over the country, they simply want to be adult citizens rather than dependent children. Either we trust young people and give them responsibilities commensurate with their maturity or we continue to treat them like children—although many of them already have children of their own. To treat our 18-, 19-, and 20-year-olds like children, not to trust them—can only deepen their alienation and drive the generations farther apart.

VIETNAM CASUALTIES

Mr. HARRIS. Mr. President, I realize that practically every town in America has now been saddened as a result of one of its young men becoming a casualty of the Vietnam war. However, I would venture to say that probably no town has suffered any worse or perhaps even as much as has the small town of Coweta, Okla. This small town of 2,800 people has now lost eight of its young men in the Vietnam war. Out of a high school graduating class of 37 boys in 1967, 14 went to Vietnam—10 of them survive now. Twenty-five Cowetans still remain in Vietnam so the casualty rates for this small town could go even higher.

Another town in Oklahoma, Broken Arrow, which has a population of 12,200, has lost seven of its native sons in this conflict.

I realize that these casualties represent only a small part of the total 40,000 young men who have died in Vietnam. However, I feel that recognition of these losses once again reminds us that we should redouble our efforts to end the Vietnam war and remove American fighting men from Southeast Asia in order to avoid losing any more of our outstanding young men.

Mr. President, I ask unanimous consent that recent articles that appeared in the Tulsa Daily World concerning casualties in the small town of Coweta, Okla., and the total casualties in Oklahoma be printed in the RECORD.

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

WAGONER GI 16TH VIETNAM VICTIM OF 1970

A Wagoner man was reported as Oklahoma's 16th Vietnam war casualty during 1970. He was the second recorded from Wagoner since the conflict began.

He was identified as Army Pfc. Jimmy L. Campbell, the son of Mr. and Mrs. Ernie W. Sanders of Wagoner.

His death brings to 926 the number of Oklahomans killed in the war during the last seven years.

COWETANS DEPLORE HEAVY WAR LOSS

(By Tom Wood)

COWETA.—This town of 2,800 is gratefully accepting the efforts of a state legislator to get Coweta's remaining 25 soldiers in Vietnam "scattered out" in hopes of lessening the heavy loss of life.

Ed Pulliam, a retiree, who hasn't "stepped out of the house" since his only son, Eddie, was killed Jan. 11, during a night sweep by the Viet Cong, mourns the "extra sorrow in this little community."

The dead soldier's mother was near collapse Monday.

"We just got the last letter from my son today," she said in a quavering voice.

They were pleased that Rep. V. H. Odom, a Democrat from Wagoner, is calling heavy war losses from Coweta to the attention of Oklahoma's congressional delegation "to see if something can be done" about the disproportionate number of Vietnam casualties from the town.

Seven young Cowetans have been killed there—three from the high school class of 1967. Two members of that class were killed in the past 60 days.

The dead are Frankie Faught, Dallas Perryman, Billy Carver, Grover Boston, Phillip Sanders, Donald Sloat and Pulliam.

Jerry Zachary, junior high principal and high school counselor, said there were 37 boys in the class of '67. Fourteen members of the class went to Vietnam, 11 of them survive.

In writing to Senators Fred Harris and Henry Bellmon and Rep. Ed Edmondson, Odom said:

"Surely this small community has already given more than its share of these fine young men in this conflict. The people there think these men should be scattered out in some other branch of service with the possibility of losing fewer in the future."

Odom became interested in Coweta's casualty price, Zachary said when Bob Hatfield, father of one of the boys still in Vietnam, called on him to see if something couldn't be done.

"He came to school and wanted a list of those still there to see if they couldn't be scattered out because they were all in a bunch," Zachary said.

It is possible that Broken Arrow may want to make a similar request. In December Broken Arrow unveiled a memorial to seven native sons lost in Vietnam. Its population is 12,200.

Honored by a granite marker in Broken Arrow are Sammy Jones Jr., Walter C. Black, Jr., James W. Pendergrass, John Robert (Bud) Gainer, Paul David Lucas, Gary Keith Barnett, and Kenneth Dean Rankin.

"I suppose we've paid no higher price than many others have—40,000 other U.S. homes have been invaded," Pulliam said, "and yet we hope it is possible to do something about the wanton loss of life.

"I guess it (Coweta) has one of the highest casualty lists. It is terrible in one small town. I know it is terrible when you lose an only son—one you've built your world around," Pulliam said.

"Every time we turn around we become more aware of it (the war loss)," Zachary said. About a week after Pulliam was killed word came of the death of Donald Sloat. Several weeks before Pulliam died in the VC attack Cowetans learned of the death of Sgt. Phillip B. Sanders. All three young men had been in the class of '67.

Sloat stepped on a land mine. Sanders, first reported missing in action in May, died without ever seeing his 6-month-old daughter.

LAOS

Mr. MCGOVERN. Mr. President, I ask unanimous consent that a statement I made today before the National Newspaper Association be printed at this point in the RECORD followed by an editorial, "And Now Laos," which appeared in the March 7, 1970, issue of the New Republic.

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

THE SECRET WAR IN LAOS

(Statement by Senator GEORGE MCGOVERN)

I charge again today that the Nixon Administration is misleading the American people in waging a secret war in Laos.

We are flirting dangerously with a new Vietnam.

The Administration is violating the Geneva settlement of 1962 by interfering militarily in Laos.

In addition to providing military and CIA ground personnel, we are sending American bombers against Laos at a rate of 500 missions a day. I was on daily operations as a pilot in World War II over some of the most strategic targets in Europe with bomb loads that did not approach what we are now dropping on little Laos.

Secretary of Defense Laird speaking for the Nixon Administration has replied to my basic contention by cleverly denying that we have increased the number of military and CIA personnel on the ground.

The Nixon Administration is guilty of deliberate deceit in that reply. It ignores the fact that we are using B–52s and tactical bombers to blast not only the trails in eastern Laos but the Northeastern section of Laos around the Plaine des Jarres.

Furthermore, the Administration should explain why we have ground personnel operating in conjunction with the Laotian army. They should explain why we are violating the Geneva commitment of 1962. They should explain why we are participating in another Vietnam-type involvement.

I was astounded to learn from the Chairman of the Senate Foreign Relations Committee that Administration witnesses have told his committee that our policymakers are now more concerned about holding the line in Laos than in Vietnam.

Are we about to sacrifice more young Americans in another war in Southeast Asia? Have we learned nothing from the long years of bloodshed and blunders in Vietnam?

I contend that the Administration is covering up the facts of a bloody military operation in Laos that has already secretly cost the lives of scores of American bombing crews and American aircraft.

The Administration is violating Article I, Section 8 of the Constitution which places in the Congress the power to declare war.

The Administration is deceiving the American people and their elected representatives in the Congress. The Administration is betraying our international commitment in waging a secret war after pledging with other nations in 1962 that we would not intervene militarily in Laos.

I demand as a citizen and as a Senator of the United States that the President inform the Congress and the Nation what we are doing in Laos.

I am convinced that any kind of American military involvement in Laos, as in Vietnam, is a dreadful mistake.

But the primary questions are these:

To what extent are we involved militarily in Laos? What is the reason for our involvement and why have the Congress and the American people not had this information given to them? For seven years I have done my best to stop the war in Vietnam. I am terribly distressed that that war drags on. But what I cannot tolerate and will not tolerate is the thought that we would even consider going down this same bloody path again in still another Southeast Asian nation.

I refuse to accept this prospect, and I want the Administration to know that I will continue to protest with all my strength until the President either fully and satisfactorily explains the war in Laos or fully ends it. That explanation should have come long ago. I demand it now. Given an honest statement of what we are doing, I believe the American people will demand that we stop wasting the blood and treasure of this great country in another hopeless military operation in the jungles of Asia.

I firmly believe we are at war in Laos on a dangerous scale. Let the President tell us that and tell us why and then let the Congress and the American people make a judgment as to whether we want to declare war in Laos or call it off, but for God's sake and for the sake of our children and our troubled nation let us not drift into another Vietnam without even knowing what we are doing.

[From the New Republic, Mar. 7, 1970]

AND NOW LAOS

The funeral urns that give the Plain of Jars its name is a somber reminder that American military entrapment in Laos is just what we don't need, especially when the Administration is patently failing to disengage at reasonable speed from Vietnam. For months now, US planes including B–52s have been laying thick carpets of explosives on eastern Laos. In September, very heavy American bombing of the Plain of Jars enabled Laotian government forces to capture areas the Pathet Lao had held for six or seven years. On February 16, unnamed officials in Washington were assuring reporters that the intensive bombing—the current rate is over 16,000 tons monthly—had "substantially improved" the military situation of the Laotian government. Almost immediately, the Laotian government troops had to fall back and the Plain seems to have been lost again to the Pathet Lao and their North Vietnamese allies.

This country has lost at least 100 aircraft and their air crews apparently for nothing. Laotian government troops are unable to prevent the Pathet Lao and the North Vietnamese from recapturing the Plain of Jars; they lost control of it in September only because the sudden American air assault took them off guard. Since at least 1964, the two sides in the Laotian civil war have annually gained a little ground on the Plain and lost a little ground, see-saw fashion, without the overall position changing. (The civil war itself has been going on for 20 years.) But there was never any doubt that if they wished, the 40,000 North Vietnamese who are illegally in Laos could proceed on from the Plain to conquer the whole country. They did not choose to, for their real interest and the reason for their presence is not to overrun the country and toss out the royal Laotian government, it is to protect the network of trails in eastern Laos by which North Vietnam supplies and replenishes its forces in South Vietnam. The ill-fated American attempt to make the Laotian government a present of the Plain has no relevance to the Ho Chi Minh trails, which enter Laos from North Vietnam southeast of it. Our forces have nevertheless jumped into the thick of the Laotian fighting. American military "instructors" in command of American-armed Meo tribesmen have been thrown in on the side of the Laotian government troops, against the Pathet Lao and the North Vietnamese. All this is taking place under a thick cloud of official silence or disclaimers. In an anguished letter to Senator Frank Church, an air force pilot in Laos wrote: "Why is it, Senator, that the American public is not permitted to know what's going on in Laos, and the extent of American sacrifice there? American planes are lost every day [and] dozens of our airmen are killed or missing each week. Yet not a word to our people." The young man protested that his comrades were dying in "a futile, hopeless and nameless contest." Last week, American correspondents in Laos attempted to break through the secrecy. They managed to reach an airfield where they saw a small "army" of Americans, and where US planes were briskly taking off at the rate of one a minute (others fly over Laos from Thailand and South Vietnam). The US Ambassador, G. McMurtrie Godley, in a none-of-your-business statement, said that "the American mission has lost any interest in helping out the press whatsoever (sic) because of what happened this afternoon."

Laos is pure opera bouffe, or would be if men were not needlessly dying there (one good reason why they should *not* be dying there). The North Vietnamese still have an embassy in the Laotian capital of Vientiane, as do the Pathet Lao, the Chinese and the Russians. The prime minister of Laos, Prince Souvanna Phouma, is the half-brother of the Pathet Lao leader, Prince Souphanouvong. In the sixties, Souvanna Phouma heatedly declared he could never forgive America for having "betrayed me and my government." He insisted that "the Americans don't understand Laos, they have regard only for their own interests." He couldn't have been more wrong as to the latter; what has been betrayed in Southeast Asia these past few years is any real American interest.

The solution in Laos is a return to the 1962 coalition government that included both Princes, as has been suggested by Senator Mansfield. But that hinges on a similar arrangement for South Vietnam. Only then will the 40,000 North Vietnamese troops who are in Laos to guard the Ho Chi Minh trails leave. The present contest between American air power and North Vietnamese troops, with the Laotian forces on both sides being no more than pawns, will, if continued, sink this country waist-deep in another senseless Asian war, all congressional warnings and prohibitions notwithstanding. And then we shall hear again that we can't "bug out."

The return of Prince Souphanouvong and the three other Pathet Lao cabinet ministers to the coalition government they were forced out of (with US help) in 1963 would probably be acceptable to Prince Souvanna Phouma. He has had several secret meetings with his half-brother in the past year (at the Russian embassy in Vientiane). A resumed coalition could point the way to a similar shift in South Vietnam, where as Senator McCarthy said on February 19, "Serious negotiations cannot proceed unless we are willing to support a coalition government [whose task] would be to arrange a cease-fire and to assure the orderly withdrawal of foreign forces." That compromise would be better than awaiting a spring or early summer enemy offensive, mounted as American military strength slowly ebbs. It would also be better than continuing to prop up in South Vietnam a government that last week further disgraced itself by sentencing one member of parliament to death and another to 20 years' imprisonment, without anything resembling a fair trial.

President Thieu may have persuaded himself that he can do what he pleases without seriously risking a loss of confidence in his government by the American public. Mr. Nixon may think so too. They would be prudent to think twice. A sampling of New Mexico's first congressional district by Republican Rep. Manuel Lujan Jr., who supports "Vietnamization," convinced Lujan that his constituents want out of the war. Only 1.2 percent favor continuing the fighting at the present level; 18.6 percent want immediate withdrawal of all our armed forces. This costly blunder in Laos will increase discontent, especially if official secrecy persists. Senator Symington reminds us that Mr. Nixon told everyone last November that "one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them. . . . 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." True then, true now.

SUPERGRAINS

Mr. MILLER. Mr. President, in the January 1970 issue of the Purdue Alumnus is an article on the development of so-called supergrains, especially high protein corn and rice, which provide new hope for meeting the problem of malnutrition among millions of children throughout the world.

It is my hope that those engaged in our food for peace and foreign aid programs will make maximum use of this development.

Mr. Oliver E. Nelson, plant geneticist, presently serving at the University of Wisconsin, Dr. Edwin T. Mertz, biochemist at Purdue, and Lynn S. Bates, then a graduate student at Purdue, first published their research findings in 1964 on "super corn" which have led to these promising developments and, along with the Rockefeller Foundation which is sponsoring field testing overseas, deserve our commendation.

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

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

SUPER GRAINS PROVIDE NEW HOPE FOR HUNGRY AROUND THE WORLD

New hope for millions of the world's malnourished children is on the threshold today, the outgrowth of a scientific breakthrough at Purdue University in 1963.

Already seven critically malnourished children have been restored to health in one Colombia, South American hospital.

What is so miraculous about the recovery of seven malnourished children? It's the fact that they achieved normal nutritional balance on a diet using corn as the protein source. Not ordinary corn, but the newly developed high protein corn called opaque-2 (high lysine).

For years malnutrition has been a stalker of mankind's less civilized and less fortunate peoples of the world, especially the young. To combat this, effort has been made through the years to find ways to make the world's staple foods—wheat, rice and corn—as nutritious as meat and fish.

As Purdue observes its Centennial year, it looks with pride and satisfaction to accomplishments of staff researchers in its Department of Agriculture who unlocked the door to "super grain."

From the results achieved with the magnificent seven, medical and nutritional scientists foresee an overwhelming implication. If millions of people throughout the world who live chiefly on corn could and would substitute opaque-2 in their daily diets, much malnutrition could be eliminated. Furthermore, millions of children could enjoy better mental and physical health.

Nutritionists also believe what has been accomplished with corn can be done with other basic food crops, such as rice, wheat, sorghum and the millets—daily diet of much of the world's population.

Using recently discovered methods of separating corn proteins, Purdue's research team six years ago found that the recessive mutant gene called opaque-2 controls the production of lysine and trytophane in corn kernels. Subsequent studies revealed that hybrids containing this gene had twice as much lysine as standard corn.

The team, composed of Dr. Edwin T. Mertz, biochemist; Dr. Oliver E. Nelson, plant geneticist, and Lynn S. Bates, a graduate student, published their findings in July, 1964 and immediately generated word-wide interest.

It was their article that led Dr. Dale Harpstead, corn geneticist with the Colombian Agricultural Program of the Rockefeller Foundation, to believe opaque-2 offered answers for problems in that area.

In early 1963 he had visited a medical clinic operated by the University of Valle in the village of Candelaria. There, he was appalled to see dozens of malnourished children, many three- and four-year-olds, lying in cribs like infants.

He learned their condition was due to an inadequate diet consisting of foods low in protein, particularly corn and corn products. In rural Colombia, the typical diet for children is corn, plantain starch, and panela, a cane-sugar by-product.

Recognizing the far-reaching impact that findings of the scientists might have in Colombia, he requested seed from Purdue. When it arrived in December, 1964, a unique cooperative research program was launched, linking corn geneticist and staff members at the hospital.

Results did not come quickly. First, the precious seeds were planted, then crossed with inbred lines of the best hybrids available in that country. From this meager beginning, a small amount of corn was produced for the first laboratory testing at the hospital in late 1965 and early 1966.

Then, more than a year later, after planting, harvesting and animal testing, preparations got underway to treat seriously malnourished children. But, first, the raw corn had to be prepared and processed. Commercial processors volunteered their technicians and facilities and produced a corn flour and a precooked corn product from opaque-2 corn.

In October, 1967, two small boys were admitted to the hospital's metabolic unit in pitiful condition. Both exhibited typical symptoms of kwashiorkor, a serious protein deficiency disease. Although five and six, their physical development was below that of a normal one-year-old. They were facing death.

In treating the boys, the hospital attempted to duplicate their home diet, except that the starches were replaced with opaque-2 corn products. With practically no information as a guide in treating malnutrition with opaque-2 corn, the staff placed the children on slightly different diets.

Both boys recovered, and one of the cases is medical history—the first known patient to be returned to nutritional balance using 100 per cent protein from plant sources, with corn the principal source. Other cases followed and still more are under study.

Much remains to be done before opaque-2 corn can influence the lives of large numbers of people in Colombia and elsewhere. Establishment of its nutritive value is only a beginning—but the major step. Commercial production of the seed, large-scale production by farmers, development of efficient processing and marketing techniques and achievement of widespread consumer acceptance all must follow.

So, the war has not been won; the battle has only begun. But, as Dr. Martin so concisely states: "If high yielding varieties of opaque-2 and floury-2 maizes with 12 to 15 per cent protein are developed, mankind will have available—for the first time in history—a 'super grain' which contains everything for complete nutrition except a few inexpensive minerals and vitamins."

Developments in high lysine corn have spurred work with other grains and cereal grasses. Improved yields in rice and sorghum, through development of new varieties and hybrids, hold tremendous promise for the hungry in other heavy populated countries of the world.

Already the world is benefiting materially from the scientific contributions of two men who received degrees at Purdue. Plant pathologist Peter R. Jennings (MS55, PhD 57) and Leland R. House (Ag51, MS53, PhD 56); geneticist, and their associates have brought about dramatic increases in yields through studies with rice and sorghum. Their advancements have opened the door to a change in breeding philosophy, selection criteria and methodology in development of varieties.

Working for the Rockefeller Foundation, Jennings directed plant breeding research at the International Rice Research Institute (IRRI), Los Banos, Philippines, that brought forth the new rice strains IR-8 and IR-5. House, cooperating with scientists participating in the All India Coordinated Project, developed two sorghum hybrids. Jennings is now leader of Inter-American Rice program at Cali, Colombia, South America.

The new rice strains have brought about larger yields per acre from all cultured conditions, soil and climates averaged together. In just one year, the Philippines saved $50 million in foreign exchange, and in other countries a total savings of $250 million was realized.

It is currently estimated that more than 12 million acres of the major rice growing countries of the Far East—India, Pakistan, Philippines, and Indonesia—are now planted in new varieties. Of these new varieties, IR-8 represents by far the most popular line.

The IR-8 strain came about by crossing a short indica rice variety from Taiwan with a tall tropical indica from the Philippines. In the period of development, the new strain consistently topped yield trials in several Asian countries. The seed was distributed to hundreds of farmers in the Philippines and other rice growing countries for testing.

"High yields produced by this selection must not lead us to suppose that improved varieties will, by themselves, solve the world rice problem. No matter how good the variety, it will not realize its potential if it is eaten by rats, destroyed by insects or withered by disease. An improved variety is no substitute for careful culture and adequate plant protection," points out Jennings.

Leland R. House, geneticist, is a prime participant in the All-India coordinated program for sorghum improvement. Currently on study leave at Purdue, he is vitally involved in India's sorghum advancements. With his colleague, N. Ganga Prasada Rao and others, House was successful in helping develop two sorghum hybrids.

When these hybrids were released in 1964 and 1965, a target was established to have four million acres in sorghum hybrids by 1972. The program is well ahead of this goal. In 1968, nearly two million acres were in hybrids.

House does not belittle the strides made in sorghum output by the hybrids but he says a big push now is in breeding for insect resistance.

Sorghum in India is ground into flour and the flour made into an unleaven bread. Sorghum is one of the three major hybrid crops of the land—corn, and pearl millet being the others. Some six million acres were planted to these three in 1967.

But it is the projection of some agriculturists that sorghum, millet and corn may, in the future become the livestock feed crop of the land while rice and wheat, the preferred food crops, become available in abundance for human consumption.

House expects a decrease in the sorghum planting in the years ahead but anticipates increased production. Relay cropping, the practice of sowing one crop into another just prior to harvest, is another developing

interest in India, he points out. This practice is possible in tropical areas of the world because the growing season is year around.

New Delhi is House's house base in India, but he spends about 50 per cent of his time at other stations. Sorghum breeding is not his only field of endeavor. He has done considerable work on experimentation facilities, land development and water management.

While it is of great satisfaction to know that Purdue-trained scientists are playing a major role in helping this nation achieve firsts in outer space, it is with equal pride to note that other Purdue alumni are furthering agricultural advances here on earth. With the aid of The Rockefeller Foundation, these scientists are applying first-class scientific talents to the technical problems of producing more food and applying their research findings into actual practice, thereby increasing food production.

MARIHUANA—ARMY RESEARCH ON 35 MEN

Mr. DOMINICK. Mr. President, a summary of laboratory research conducted by the Army using human volunteers to measure their reaction to selected variants of the principle active ingredient in marihuana has just been declassified.

In accordance with my remarks to the Senate of February 3 concerning my efforts to obtain this information, I wish to advise Senators of its availability.

The Army research was done in two major areas: First, toxicologic studies in animals and, second, clinical studies in man. Copies of the full report may be obtained from the Defense Documentation Center, Cameron Station, Alexandria, Va. Because of the intense interest in this subject, I would like today to comment briefly on the human studies which were conducted.

Let me emphasize the research was not done with natural marihuana. Instead, synthetically produced THC—the principle active ingredient in natural marihuana—was utilized. There are many isomers or variants of THC and they vary in potency.

The Army research involved two compounds. The first, EA1476, was described as the most active compound in the series of synthetic THC analogs. The second, EA2233, was a derivative of the first.

Thirty-five human volunteers were administered these compounds.

Both objective and subjective observations were made. The objective studies included blood pressure, heart rate, body temperature, and motor performance. Subjective symptoms recorded were unusual dreams, blurring of vision, and dryness of the mouth.

Four tables included in this section of the summary report amplify on the type of research which was done.

Table 5 shows the toxic effects, both objectively and subjectively, for different dose levels.

Table 6 shows similar information on an individual basis for some of the men.

Table 7 measures the impairment of each man's ability under three tests.

Table 8 displays performance impairment in graphic form.

Mr. President, the entire summary report is somewhat lengthy. The section on human data is not. In the interest of making this material widely available to Senators and interested citizens, I ask unanimous consent that the letter from the Army, the introduction to the report, the section on human data, and the conclusion be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOMINICK. I would also note for the record that Dr. Van M. Sim, deputy director of medical research on the project, discussed it in more detail at a workship with other scientists. Those proceedings were recently published in a book, "Psychotomimetic Drugs," and is available from the Raven Press in New York.

After reviewing the summary report and the cover letter which accompanied it, I feel it imperative to make some further observations on the difficulty I encountered in obtaining this information.

Seven months after my initial inquiry, the Army now concedes human volunteers were used in research. I refer again to the letter which I received from General Dawalt last fall stating that the Army has conducted research on marihuana compounds using human volunteers is a widely held misconception.

There are only two explanations for that statement, and both are unacceptable.

If the explanation is that the research was classified, a simple telephone call to me would have sufficed. Since I am an active member of the Senate Armed Services Committee dealing with highly classified material, I do not expect my inquiries to be deflected on the basis that information is classified.

I prefer to think the Army interpreted my inquiry as being confined to research on the natural marihuana plant. I did not, however, intend such a narrow inquiry. The letter which I enclosed from the research scientist in Colorado and commonsense make that clear.

In the latest Army communication to me, Brigadier General Samet brushes off Professor Best's first letter on the theory he did not express an interest in the particular types of research being done by the Army.

In fact, Professor Best specifically asked for Army information regarding research on "compounds with marihuana activity," and the use by the Army of these on human volunteers to measure their capacity as "nonlethal incapacitating chemical agents."

What was the Army's response? Army research was considered "not applicable" and the Army was unable to provide "related research data." If one refers to the summary report just declassified, however, we find:

> Synthetic compounds, *related to* the parent substance cannabis, have been studied—THC and substituted synthetic derivatives. . . . In the light of the pharmacologic actions of these compounds, great interest has been attached to the possible use of one or more *of these substances* as an agent in the chemical armamentarium of the Army.

The position of the Army that research on synthetics which are analogous in chemical structure to active ingredients in natural marihuana is not relevant or applicable to research being done by civilian scientists is simply incredible.

Information submitted by the National Institute of Mental Health to our Special Subcommittee on Alcoholism and Narcotics states:

> Medical science does not yet know enough about the effects of marihuana use because its active ingredient—tetrahydrocannibinol—was produced in pure form only recently. In the summer of 1966 the chemical, first synthesized by an NIMH-supported scientist in Israel, was made available for research purposes. Now for the first time researchers can accurately measure the drug's effects and study its short- and long-term action on the body.

I regret that it has taken so long to obtain this information, and hope it will be useful. I certainly welcome any interpretations of it that civilian scientists or others would like to forward to our subcommittee.

EXHIBIT 1

DEPARTMENT OF THE ARMY,
Washington, D.C., February 20, 1970.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: The Secretary of the Army has asked me to further reply to your inquiry addressed to the Department of Defense concerning a request by Professor Jay Boyd Best for release of results obtained in Army research on marijuana compounds.

As General Dawalt stated in his letter of 25 August 1969, the Army did conduct research (completed in 1963) on synthesized analogues of an active principle of marijuana (tetrahydrocannabinols).

Even before Professor Best's first letter was received in August 1969, efforts were already under way to declassify and release the summary of our laboratory research in response to a request from another civilian scientist. These results were not considered applicable to Professor Best's work for the reasons General Dawalt expressed in his reply to you.

However, since Professor Best expressed a desire for the results of research in the related tetrahydrocannabinols in his second letter (undated), he may be informed that the research report has now been declassified. Attached are copies for you and Professor Best. If Professor Best desires additional copies of the report, he may obtain them from Defense Documentation Center, Cameron Station, Alexandria, Virginia, through the office of Mr. Fred C. Schmidt, Colorado State University Document Library, Fort Collins, Colorado. The report is entitled, "Summary Report on EA 1476 and EA 2233 (U)," and is identified by Defense Documentation Center control number AD 342332.

Other minor related material and progress reports are on file at Edgewood Arsenal, Maryland, where the Army research on tetrahydrocannabinols was conducted. If Professor Best desires to do so, he may contact the Commanding Officer, Edgewood Arsenal, Edgewood Arsenal, Maryland 21010, with further specific technical requests.

Sincerely,

GEORGE SAMMET, Jr.,
Brigadier General, GS, Acting Deputy Chief of Research and Development.

SUMMARY REPORT ON EA1476 AND EA2233 (U)

I. INTRODUCTION

The psychophysiologic changes in man caused by the resin obtained from the hemp plant, *Cannabis sativa*, have been known for about 3,000 years. The physiological and medicinal properties of this resin were first men-

tioned in Chinese writings dating back to 1000 B.C. Many names are used for the various physiologically active hemp extracts and preparations; e.g., hashish, marihuana, charas, bhang, and ganja.

Investigators who have worked with marihuana, or with one of the derivatives of its active principle, have found that it characteristically produces a feeling of euphoria and relaxation, followed by lassitude and increased daydreaming, sleepiness, uncommunicativeness, and eventual recovery within 6 to 24 hours. Large doses may lead to mental confusion and apprehension, together with more vivid and more overwhelming sensory experiences that take precedence over reality and constitute, in effect, a temporary psychosis. Synthetic compounds, (related to) the parent substance *Cannabis*, have been studied: tetrahydrocannabinol and substituted synthetic derivatives. The effects of these are basically similar, with differences in potency. This information is available in the open literature and references may be found in Wikler's The Relation of Psychiatry to Pharmacology.

In the light of the pharmacologic actions of these compounds, great interest has been attached to the possible use of one or more of these substances as an agent in the chemical armamentarium of the Army. This report, therefore, represents a summary of the known data, physiochemical, toxicologic, and pharmacologic, pertaining to EA 1476, EA 2233, and their isomers.

PART III—BIOMEDICAL EVALUATION, SUB-PART C, HUMAN DATA

1. (C) *EA 1476.*

Thirty five volunteers (Directorate of Medical Research, these Laboratories) were administered *per os* agent EA 1476 (racemate) in a dose range of 7.0 to 55.0 μg/kg body weight. Objective studies of arterial blood pressure, heart rate, body temperature, and motor performance were made. Subjective symptoms were also recorded; e.g., unusual dreams, blurring of vision, and dryness of the mouth. These data are summarized in table 5.

At the lower doses (0.5 to 1.0 mg), fatigue, thirst, and headache were experienced. In the intermediate-dose range (1.5 to 3.0 mg), postural hypotension was prominent, with temporary blurring or actual loss of vision upon standing. Weakness was also noted along with giddiness and a general slowing of motor activity. At the higher doses (3.5 to 4.0 mg), the subjects manifested marked psychomotor retardation clinically. Postural hypotension was less pronounced, probably because the volunteers stayed in bed and were unwilling or incapable of assuming an erect position.

TABLE 5.—REACTION FRACTION OF 35 MEN TO EA 1476 (U)

Toxic effects	Dose							
	0.5 mg	1.0 mg	1.5 mg	2.0 mg	2.5 mg	3.0 mg	3.5 mg	4.0 mg
Decrease in blood pressure, >25/15	1/4	1/4	2/4	4/5	2/4	1/5	2/4	2/5
Decrease in oral temperature, >1° C	1/4	0/4	0/4	3/5	1/4	1/5	2/4	0/5
Increase in pulse rate, >20/min	1/4	2/4	3/4	4/5	2/4	2/5	[1] 0/4	3/5
Occurrence of dreams	0/4	0/4	1/4	0/5	0/4	2/5	0/4	0/5
Decrease in motor performance	0/4	0/4	2/4	4/5	3/4	3/5	4/4	5/5
Visual disturbance >1° angle	0/4	1/4	1/4	4/5	0/4	2/5	1/4	4/5
Thirst, dry mouth	0/4	3/4	2/4	3/5	4/4	4/5	3/4	3/5

[1] (U) Pulse in all four dropped.

Sluggishness, inability to concentrate, and dimness and blurring of vision persisted for as much as 48 hours. Not one volunteer was capable of performing his regular duties when given doses greater than 2.5 mg. No significant change was seen in reflexes, blood count, urinalysis, or EKG. Pulse rate increased when postural hypotension occurred, but showed little change or an actual diminution of the higher dose levels.

2. (c) *EA 2233.*

In view of the orthostatic-hypotensive action alluded to above, it was deemed necessary to test further the O-acetyl derivative of EA 1476; i.e., EA 2233. By the provisions of the experimental design, 11 subjects were given 13 doses of the compound *per os* in dose levels ranging from 10 to 60 μg/kg body weight. The compound was given orally in absolute ethanol in a final concentration of 0.76 mg/ml. Parenteral usage was precluded by poor solubility in water-alcohol mixtures. General comments on physiological responses will be made in reference to each dose level. Comments on laboratory and other examinations will follow.

a. (c) *Two Men; 30 μg/kg.*

At this dose, one of the men became quite light-headed and felt as though he were going to faint. In these two cases, systolic pressure fell 25 to 50 mmHg upon standing, while diastolic pressure fell 10 to 30 mmHg. The pulse rose concomitantly to 100 to 120. Both men were moderately sleepy the evening of the test (12 to 20 hours).

b. (c) *Two Men; 40 μg/kg.*

These men had symptoms that were slightly different from the preceding test.[1] They became extremely lethargic. This effect came on in the evening (10 hours), persisted throughout the night, and was still evident, though less pronounced, the second day. The systolic blood pressure fell 20 to 40 mmHg and the diastolic 10 to 25 mmHg in one subject upon standing. The pulse rose to levels of 110 to 130. One subject had minimal lightheadedness upon standing. They both complained of dry mouth and nasal stuffiness to a greater degree than any other subjects, including the ones at high doses.

c. (c) *Two Men; 50 μg/kg.*

One subject had a drop in systolic blood pressure of 40 to 55 mmHg and of diastolic of 10 to 30 mmHg upon standing. His pulse rose to 100 to 110. He did not faint nor did he feel lightheaded. The other subject had a drop of 40 to 55 mmHg systolic and of 10 to 15 mmHg diastolic. His pulse rose to rates of 130 to 155. This man did feel lightheaded and fainted once upon standing. Although both complained of a dry throat, nasal stuffiness, and sleepiness, these symptoms were not as pronounced as in those who had received 40 μg/kg.

d. (c) *Two men; 60 μg/kg.*

One of these men had quite severe central effects, which will be described in another section. Although the other man had a marked decrease in performance, he did not report the same subjective responses. Both men experienced drops in systolic blood pressure in the range of 40 to 60 mmHg and of 10 to 20 mmHg diastolic, but occasional readings showed greater change in diastolic. One man was slightly lightheaded and at 20 hours felt faint upon standing. The pulse rise in both was to 120 to 130 upon standing. It should be noted that there seemed to be a slightly greater decrease in blood pressure and increase in pulse after meals, possibly caused by greater pooling in the splanchnic areas at those times.

Other measurements included EKG's of two kinds. Standard 12-lead EKG's were taken periodically. These were without significant change in all cases. Continuous EKG's (lead II) were taken simultaneously with the vital signs; that is, while the patient arose from the supine position, stood for 60 seconds then resumed the supine position. These EKG's demonstrated a lag in the pulse rise of about 6 to 10 seconds after becoming erect. A sinus tachycardia then ensued with rates, as described as above. In general, the rate at the end of the 60-second erect-position period was higher by 5 to 10 than the initial phase of the tachycardia. Upon reclining, there was again a lag of 3 to 6 seconds then abrupt slowing occurred with the rate changing from 120 to 130 to 50 to 60 in the space of 5 to 10 seconds. In one case, there was a complete inhibition of the S–A node with a pair of nodal escape beats (this man had 50 μg/kg). This phenomenon did not repeat. In addition, there was generally inversion of the T-wave in lead II during the tachycardia phase. This is probably of little significance and may be attributed to heart rate and decrease in blood pressure rather than a direct effect of the agent.

Liver-function tests (bile, alkaline phosphatase, SGOT, SGPT, TT) and BUN's, drawn at control, at 8 hours and at 24 hours showed no consistent alterations. Other observations included a decrease in temperature, as measured orally. This drop in temperature occurred at 3 to 10 hours. The magnitude varied from 0.5° to 1°F at lower doses and 2°F at higher doses. The time of onset of symptoms varied from person to person; however, changes in pulse and in blood pressure were observed at 2 hours, with the peak effects on pulse and blood pressure occurring at 6 to 10 hours and even later in some cases. With the larger doses, the peak effect seemed to occur later than with the smaller doses. The major effect of the agent on the cardiovascular system was gone after 24 hours. There were drops in blood pressure and pulse rises, however, which remained for several days, although the subjects felt perfectly well and had no symptoms whatsoever. There were injection and hyperemia of the conjunctivae in all cases; this is consistent with other reports of human administration of *Cannabis*.

It should be noted that the somnolence induced by this agent had its peak after the cardiovascular effects had reached their peak. The two men who received 40μg/kg had the longest lethargic period and slept all night and the day following exposures. At this time, there were changes in pulse and blood pressure, but less marked than previously and symptoms attributed to these changes, if any had occurred, had disappeared.

Objective physiological data with significant drug-induced changes are to be found in table 6.

Psychophysical decrement of drug-induced origin was assessed by numerical facility and speed of closure (Texas Battery Test), Purdue Pegboard Test, and the Stromberg Manual Dexterity Test, all tests being administered to the subjects at regularly scheduled intervals throughout the course of the experiments.

In table 7, the mean of the three highest performance scores is compared with the mean of the three lowest scores for each of the tests used. This numerical relationship of dose to psychophysical performance is expressed graphically in the following figure.

2. *Human Estimates for EA 1476, EA 2233, and Isomers.*

The oral ID50, for both EA 1476 or EA 2233, is 4 mg/70-kg man.

[1] (U) These men had received 10 μg/kg 2½ weeks previously.

TABLE 6.—PHYSIOLOGICAL DATA WITH SIGNIFICANT DRUG-INDUCED CHANGES IN MAN (U)

Date	Subject	Dose, Hg/kg	Arterial blood pressure, mmHg: Mean change in control subject, Systolic	Mean change in control subject, Diastolic	Mean change in experimental subject, Systolic	Mean change in experimental subject, Diastolic	Maximum change in experimental subject, Systolic	Maximum change in experimental subject, Diastolic	Time of maximum change after dose, hour	Heart rate, Beats per minute: Mean in control subject	Mean in experimental subject	Time at maximum rate: Hour	Time at maximum rate: Beats per minute	Body temperature of experimental subject, °F: Mean	Maximum decrease
Jan. 17, 1963	Echols	10	−3	+10	−20	+5	−45	−30	5	74	95	5	100	98.0	1.0
Jan. 15, 1963	Eget	10	+10	+5	−10	+8	−40	+5	5	78	89	5	100	98.1	0.8
Do	Butts	20	−9	+1	−24	−17	−40	−24	7	89	124	7	127	97.7	1.8
Jan. 17, 1963	Hallau	20	+11	+11	−40	0	−62	−8	5⅔	77	133	5⅔	160	99.2	2.4
Jan. 22, 1963	Hardin	20	−10	+23	−17	+16	−44	+1	18	104	100	18	120	98.5	1.9
Jan. 24, 1963	Fox	30	−10	−5	−27	−7	−50	−20	7⅓	93	105	7⅓	92	98.2	1.2
Do	Premus	30	−10	+15	−30	0	−60	−10	2¾	78	100	2¾	118	98.1	1.7
Jan. 29, 1963	Echols	40	−11	−1	−22	−10	−44	−10	5⅔	90	96	5⅔	91	97.7	2.1
Do	Eget	40	−20	−5	−32	−7	−52	−14	11	98	119	11	108	98.3	3.3
Jan. 31, 1963	Van Ness	50	−28	+6	−42	−10	−66	−26	7⅚	74	103	7⅚	105	98.2	2.3
Do	Watrous	50	+8	+16	−29	−13	−64	−32	5⅔	90	131	5⅔	160	98.4	3.4
Feb. 5, 1963	Warec	60	−34	+1	−32	−10	−60	−20	1⅓	99	106	1⅓	107	98.0	2.0
Do	McDonald	60	+1	+20	−27	−11	−50	−34	8⅓	98	104	8⅓	120	98.6	1.9

Note: All data on blood pressure and heart rate were obtained 60 seconds in an erect position.

TABLE 7.—A COMPARISON OF THE AVERAGE SCORES IN PERCENT ON TEXAS BATTERY, PURDUE PEGBOARD, AND STROMBERG DEXTERITY TESTS OF THIRTEEN SUBJECTS (U)

Subject	Dose μ/kg.	Ā of three highest scores	Ā of three lowest scores (percent)	Difference	Ā difference at each dose level
Texas battery test:					
Echols	10	112	95	17	16
Eget	10	103	89	14	
Hardin	20	113	101	12	11
Hallau	20	107	91	16	
Butts	20	113	107	6	
Premus	30	106	92	14	18
Fox	30	106	84	22	
Eget[1]	40	96	80	16	22
Echols[1]	40	110	81	29	
Watrous	50	122	93	29	32
Van Ness	50	123	88	35	
McDonald	60	109	63	46	37
Warec	60	115	87	28	
Purdue pegboard test:					
Echols	10	102	86	16	11
Eget	10	101	95	6	
Hardin	20	97	87	10	10
Hallau	20	102	95	7	
Butts	20	103	91	12	
Premus	30	96	78	18	15
Fox	30	98	86	12	
Eget[1]	40	102	82	20	22
Echols[1]	40	103	80	23	
Watrous	50	101	75	26	25
Van Ness	50	108	84	24	
McDonald	60	100	77	23	21
Warec	60	100	81	19	
Stromberg dexterity test:					
Echols	10	97	90	7	10
Eget	10	102	89	13	
Hardin	20	93	89	4	7
Hallau	20	99	91	8	
Butts	20	101	93	8	
Premus	30	98	84	14	13
Fox	30	98	86	12	
Eget[1]	40	99	80	19	18
Echols[1]	40	97	80	17	
Watrous	50	110	80	30	26
Van Ness	50	100	79	21	
McDonald	60	101	79	22	22
Warec	60	109	86	23	

[1] Same subjects repeated at higher dose.

3. *Source of Data.*

See Table 8 (not printed in the RECORD) preceding Human Data section.

4. *Derivation of the Estimates.*

If it is assumed that mydriasis does not represent incapacitation, but ptosis in the monkey is a reflection of some central incapacitating effect, the lowest in capacitating intravenous dose of EA 1476 in any animal is not less than 30 μg/kg. This assumption, referring to ptosis, is probably invalid, since the VDT, effective doses are between 100 and 316 μg/kg. Also, effective doses in the CAR test on dogs are from 50 to 100 μg/kg, and in the SPE test, effective doses are from 175 to 250 μg/kg.

Earlier studies (Fourteenth Tripartite Conference) showed that no volunteer, given an oral dose of more than 2.5 mg/man (ca. 35 μg/kg), was capable of performing his regular duties. More recent studies with EA 2233, the acetate of EA 1476,[9] indicate that oral doses of 60 μg/kg (4.3 mg/70-kg man) did not cause severe incapacitation. Thus, it is indicated that a dose of 2.5 mg/man or more is required to cause incapacitation in man by oral administration. Doses of 2.5 and 4.2 mg/man are equivalent to the respective ICt50's of 500 and 840-mg min/cu m, assuming a body weight of 70 kg, a minute volume of 10 1/min, and an aerosol respiratory retention of 50%. This also assumes that a respiratory effective dose is the same as an oral effective dose. It must be borne in mind that the inhalation route may be more or less effective than the oral route; however, the human oral doses are in general agreement with the animal data, which indicate an intravenous effective dose of 30 μg/kg or more. Animal experimentation indicates that EA 2233 and EA 1476 are of similar effectiveness.

5. *Limitation of the Estimate.*

EA 1476, EA 2233, or the isomers have not been studied in man by the inhalation route. The human estimate is based on intravenous doses in animals and oral doses in man. It is not possible to project an aerosol human estimate from present data.

PART IX—CONCLUSION

The actions of EA 1476 and EA 2233 are generally similar to many other psychotropic compounds of military interest; i.e., they yield varying degrees of incapacitation, both physical and mental. Both compounds, however, are unique in eliciting an unequivocal orthostatic hypotension at dose levels far below those required to produce mild mental incapacitation.

No human studies have yet been made on isomers 2 and 4. Primate data do indicate, however, that these specific stereoisomers possess a degree of pharmacologic potency, at least equivalent to that of the racemic mixtures studied in human subjects. Secondly, no human or animal data are available on the effects of the aerosolized agents.

It is believed that data should yet be obtained from the following studies:

1. Exposure of animal and human subjects to the aerosolized racemate.

2. Exposure of human subjects to oral doses of stereoisomers 2 and 4.

VIETNAM—ADDRESS BY SENATOR MUSKIE

Mr. MANSFIELD. Mr. President, at the National Press Club today, the Senator from Maine (Mr. MUSKIE) gave a most thoughtful and timely address entitled "The Vietnam Debate." As always, the tenor is of the highest level, the thoughts presented are carefully reasoned, and the proposals fully constructive.

I commend this address to the entire Senate.

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

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

THE VIETNAM DEBATE

(By Senator EDMUND S. MUSKIE)

Since the election of President Nixon in November, 1968, and especially since the President's speech of November 3, 1969, United States policy toward Vietnam has been transformed in the public mind from the most critical issue of the times to just another policy problem.

It was understandable that the American people wanted to give a new President a chance to study the problem on his own and come up with a solution. It was understandable that we were pleased with the withdrawal of some U.S. troops and the prospect of further withdrawals. But now we must face

the fact that we have stopped debating Vietnam policy, but in the year since President Nixon took office we have recorded the deaths of over 10,000 American servicemen, the wounding of 40,000 more, and the expenditure of another $20 billion.

With ambiguous promises, with thinly veiled threats to freedom of the press, and with carefully spaced withdrawal announcements, the Nixon Administration succeeded in virtually blotting out domestic criticism of the war and erasing Vietnam from public consciousness.

Many Americans now believe or seem to want to believe that the Vietnam problem has gone away. Many Americans who know that there is much to debate have been reluctant to voice their doubts and reservations. They look at present policy as an improvement on past policy, and they hope for the best.

Without information and without alternatives, it is no wonder that a majority of American people are now silent.

I do not believe the silence will continue, and I believe the longer the debate is bottled up, the more serious will be the ultimate confrontation over Vietnam.

Therefore, I came to the National Press Club today to talk about the need for a constructive debate on Vietnam and to urge changes in our Vietnam policy.

I believe the following points need to be made:

First, those of us in public office and the news media have not been effectively focusing public attention on the policy issues in Vietnam. Because of this, the American people have not been made aware of the meaning of the President's policy and of the alternatives to that policy.

Second, I believe that what the President calls his "silent majority" is silent only because it has not been made to realize that although some U.S. troops will be coming home, we are not really getting out of Vietnam.

Third, I believe that the President's Vietnamization policy can be only a formula for the perpetuation of the war. Because it is basically a strategy for continuing the fighting, it cannot bring peace to Vietnam and it cannot get us out of Vietnam.

Fourth, I believe that an end to the war and an end to our involvement in the war can be brought about only through a negotiated settlement. There are peace proposals that the President has not tried. By his preoccupation with Vietnamizing the war, the President has turned his back on Paris. By letting almost four months go by without sending a senior personal representative to Paris, he has downgraded negotiations.

Fifth, for all these reasons, our nation must have a new national debate on Vietnam policy. There can be no debate for the people unless public figures are prepared to speak out and unless the news media are prepared to listen, report, and comment.

THE ROLE OF THE NEWS MEDIA

Over the last eight years, the news media have proven to be the most consistently reliable guide to facts and to understanding the war. No matter how honest the purposes of any Administration, it does have a vested interest in making the facts fit its policies. And no matter how hard it tries to ferret out divergent opinions and additional facts, a government is bound up with its own reporting system.

People in the government have learned the necessity of supplementing "official reporting." President Nixon has cited his need for "out-house" sources of information. What the President feels as a need, the public must have as an absolute requirement.

In Vietnam, newsmen dug up facts we did not hear from any other source. They probed beyond the facts to judgments about the meaning of events and programs and sought out varied points of view. We learned from all this the human price of the war and how little progress was really being made. In short, these efforts provided a basis for public evaluation.

In Washington, and around our country, we were made aware of imprecisions, ambiguities, and contradictions about U.S. policies. The news media kept alternatives to the President's policy very much before the public mind. Time and space were provided for the public to digest these alternatives. In short, these efforts gave a basis for public comparison.

But today we are getting much less than we require for informed public opinion on Vietnam.

It is not difficult to reconstruct how this happened. Vice President Agnew's attempts at intimidation set the stage. Hints about license renewal problems appeared here and there. Statements were made by "high Administration officials" from time to time that every possible solution has been tried. Implications were left that Nixon's policy will deliver more tomorrow. The President launched a campaign to convince the American people that the *only* alternative to his policy is "precipitate withdrawal."

The result has been less news coverage and less coverage in depth.

The recent hearings on Vietnam resolutions conducted by the Senate Foreign Relations Committee seem to me a typical example. In past hearings by this committee, the TV networks gave full live coverage or news specials. This time, the public saw only a few minutes at most. In fact, Vice President Agnew's wisecracks about the hearings received almost as much attention on TV and in the papers as did the hearings themselves.

And whatever happened to the immediate in depth analysis that used to follow every Vietnam statement by President Johnson? Has the Vice President's attack against "instant analysis" produced non-analysis?

What the President keeps referring to as his "silent majority" may well be the product of too silent a press.

While public opinion polls tell us that a majority of Americans think the President is handling Vietnam policy adequately, these polls also tell us that Americans have different views of what they are supporting. Many of the silent supporters believe that the President intends to get all U.S. forces out of Vietnam—and soon. This is not the case, but this knowledge has not been adequately conveyed to the American people. The press has contributed to misapprehensions about our Vietnam policies by reducing reasoned alternatives to a few pat news phrases.

The facts and alternatives of Vietnam policy are exceedingly complex. The President can command all the air time and all the newspaper space he wants to explain his views. Those who disagree with him can be heard by the American public only if the news media provides the opportunity.

I am not trying to drum up press criticism for its own sake. For the sake of the public's right to know, I am asking for more probing, for more facts, for more coverage whatever the results may be.

I am not trying to make a party issue out of Vietnam. It cannot be done and it should not be done. Both Democrats and Republicans were involved in getting us into Vietnam, and both Democrats and Republicans are interested in getting out.

I want to encourage a constructive national debate on United States policy on Vietnam. President Nixon equates national debate with national disunity. He says the U.S. can be defeated only by disunity at home. I grant that the absence of national debate may make it temporarily more comfortable for Mr. Nixon, but I do not believe it can advance the cause of peace in Vietnam. In the end, absence of debate can lead only to increased divisions and ugly confrontations.

WHAT IS THE PRESIDENT'S PLAN?

The full implications of the President's plan for Vietnamizing the war remain a mystery. Backgrounders and statements by high officials in the Nixon Administration have continued to offer hope to many that the plan was to get all of our men out of Vietnam in accordance with our own interest. However, the President at his January 30 press conference made clear that this was not the case.

"We had implemented a plan in which the United States would withdraw all of its combat forces as Vietnamese forces were trained and able to take over the fighting.

"That policy of Vietnamization is irreversible.

"Now, as far as the timing of the plan is concerned, how many and at what time they come out, that, of course, will depend on the criteria that I also set forth in that speech—the criteria of the level of enemy activity, the progress in the Paris peace talks, and, of course, the other matters, the problems particularly with regard to the rate of training of the Vietnamese forces."

What does this now tell us about the plan?

First, the plan has two parts—the removal of combat forces from Vietnam and the maintaining in Vietnam of "support for the South Vietnamese logistically, and until they are ready to take over . . ."

Second, the plan appears to relate primarily to ground combat forces. We still do not know what this means in numbers of men and timing. Conjecture seems to put the figure at about 300,000 which would mean at least 200,000 Americans left in Vietnam by the end of 1971 if all goes well.

Third, this is an optimistic conjecture, since the timing of both parts of the plan is not based on our own interests, but on the actions of Saigon and Hanoi. Leaving aside the Paris negotiations for the moment, this means that if Hanoi maintains or steps up the pressure and Saigon cannot hold its own, even our combat forces will remain indefinitely.

Why hasn't all this been made clear to the American people?

The silent majority would be silent no longer if this fact and this fact alone were brought to their attention. Silent Americans are assuming that Mr. Nixon is really getting us out of Vietnam. The truth of the matter is that he is pinning us down indefinitely. We have been told that Mr. Nixon's plan has been cleared with President Thieu, and President Thieu appears to be well aware of our indefinite commitment. On January 9, Thieu warned that "many years" will be required to remove U.S. combat troops.

President Nixon seems to believe that the U.S. has a vital national security interest in keeping Thieu and Ky in power. I do not believe the American people share this objective.

WHAT CAN WE EXPECT FROM VIETNAMIZATION?

Can it work in Vietnam? Will it bring us closer to peace in Paris?

The North Vietnamese and the Vietcong have been hurt by the years of war, but they show no signs of being near a breaking point. They have been fighting for 25 years to throw western military influence out of Vietnam. Can we realistically expect them to give up this goal? And on the battlefield, they can still control the level of combat, and nothing in Mr. Nixon's plan takes this away from them.

The South Vietnamese forces have improved over the years, but this improvement also serves to point up how far they have to go. They still avoid night patrolling. Their officer corps is still widely regarded as incompetent. Promotions to officer rank are still based on social status. Desertions still run as high as 10,000 per month. This figure incidentally is just an educated estimate.

And behind all this still lies a political

regime which neither deserves nor receives much popular support. With all the claims we make that 90 percent of the population of the hamlets are "pacified," roughly half the hamlets are still classified as subject to significant Vietcong influence. Even at this stage of the war, the Saigon Government has no meaningful control of half of its own country. Neutralists and anyone else who speaks out against the present Saigon regime are still being jailed and hounded, while we stand silently aside. The recent incident involving Deputy Chau is only the latest example of the failure of the Thieu regime to observe democratic processes.

We should also note the continued sentiment for a peaceful settlement among the several groups in South Vietnam. In the 1967 elections which brought Thieu to power, 60 percent of those who did vote cast their ballots for some form of accommodation for peace.

The Nixon Administration looks at this and says it is "cautiously optimistic." It has its statistics about open roads, and rice production, and pacification and so on. I am not talking about the success of an American occupation, but the underlying and controlling elements of the war. These have not changed, and they do not make me "cautiously optimistic."

If we look at Laos today and magnify that situation many times, we can get a pretty good picture of what Vietnamization will look like in five or ten years—if everything goes perfectly. Without a political settlement in Vietnam and Southeast Asia the fighting will persist in Laos, and we will be always on the verge of crisis, and American participation always will be necessary and irreplaceable.

The cruel irony of Vietnamization of the war is that even if it succeeds as a military strategy it succeeds only in perpetuating the killing of Vietnamese by Vietnamese. And by so doing; it perpetuates American involvement in the war, American deaths, and the diversion of needed American resources.

The President's plan cannot bring peace because it is essentially a military strategy intended to win what is primarily a political struggle.

High Nixon Administration officials sometimes say that these long-run political problems will not have to be faced because Vietnamization will lead to successful negotiations in Paris. They say that our policy is to appear tough and demonstrate our staying power, thereby putting pressure on Hanoi to negotiate seriously in Paris. In my judgment, however, the strategy of threatening a prolonged U.S. presence is self-defeating.

As directed at Hanoi, it promises little hope that their supporters in South Vietnam can be safe in their lives or could genuinely participate in the political life of their country. Mr. Nixon merely threatens them with more force, and a continuing American military veto.

To Saigon, we have promised much in the way of continuing military and political support, but we have conveyed little warning that American military support will not continue forever and that reasonable political concessions on their part are necessary if there is to be an end to the war. Given the prospect of our indefinite stay in Vietnam, Saigon has no incentive either to improve militarily or to bargain away its own power at the peace table. In order to maintain itself in power, the Thieu-Ky regime has every incentive to help make our stay indefinite.

In my judgment, nothing the President threatens to do in Vietnam and nothing he has done in Paris is likely to result in successful negotiations. Serious bargaining is precluded so long as both Saigon and Hanoi believe that our real aim is to stay in Vietnam indefinitely and preserve the Thieu-Ky regime.

In disregarding the Paris negotiations, the President is making his most fundamental mistake.

THE PARIS NEGOTIATIONS—TOWARD A SETTLEMENT

The only way to end a war which is intrinsically a political struggle is through negotiations. In order to bring Paris back into the picture and improve the chances for a peaceful settlement, the President must take two steps he has not taken.

First, he must replace Ambassador Lodge with another senior personal representative and close the symbolic but important protocol gap.

This seems like a small step, but the North Vietnamese are not unique in their concern for diplomatic niceties, and they are not indifferent to matters of general international courtesy. Le Duc Tho, Xuan Thuy and Madame Binh from North Vietnam and the Provisional Revolutionary Government respectively outrank Ambassador Phillip Habib and any member of the South Vietnamese delegation by several levels. As a negotiator, Mr. Habib's obvious ability cannot compensate for his obvious unacceptability.

The protocol gap has crucial practical consequences. Our delegation to negotiations must have recognized authority to probe the other side's position, to command the attention of the President, and to propose needed and sensible compromises. We should also insist that Saigon upgrade its team in Paris.

A new senior man in Paris is the necessary first step in recreating a serious atmosphere for diplomacy.

Second, the President must develop a proposal that is negotiable, a proposal which will create the necessary climate for a settlement of those differences. Specifically, I have in mind our trying to negotiate a U.S. withdrawal timetable, and coupling this with an informal arrangement regarding the withdrawal of North Vietnam forces and a reduction in the level of violence.

There is some reason to believe that Hanoi would be receptive to such an approach. But the Administration has been reluctant to probe possible changes in Hanoi's position. Such probing, we are told, would be regarded by Hanoi as a sign of American weakness. This is simply another illustration of how Vietnamization has become a roadblock, not a path to peace.

This brings us to the issue of an announced withdrawal timetable.

President Nixon says that he has a withdrawal plan, and that Saigon knows and agrees with it. However, he refuses to make it known to the American public. If Saigon knows, then Hanoi is also informed. Only the American people remain unfamiliar with the details.

He says if he announces a timetable, Hanoi will wait until we are vulnerable and then attack us. But Hanoi can wait and do this at a time and place of its own choosing, whether or not Mr. Nixon announces a timetable.

He says that an announced timetable would take away Hanoi's incentive to compromise. We have been in Paris for over a year and a half, and it is obvious that Hanoi finds no incentives for compromise in our present policy.

All this leads me to conclude that we are still following the endless path to an unreachable military victory, and that the Paris peace negotiations have become the forgotten chapter of the war in Vietnam.

In conclusion, I think we come to three points.

First, because American and Vietnamese lives continue to be lost and because billions of American dollars continue to be spent, a new national debate is in order.

Second, because I believe the President's Vietnamization policy can lead only to the prolongation of the war and because I believe a real end to the war can come only through negotiations, a new national debate is a necessity.

And, finally, because the issues demand the understanding attention of the American public, the role of the press in faithfully reporting this national debate is indispensable.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 4, 1970, the President had approved and signed the joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

VOTING RIGHTS ACT AMENDMENT OF 1969

The PRESIDING OFFICER. At this time the Chair lays before the Senate the unfinished business which the clerk will report.

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 devices.

The Senate resumed the consideration of the bill.

SCOTT-HART AMENDMENT SHOULD BE ADOPTED

Mr. YOUNG of Ohio. Mr. President, the right to vote is the most central and precious right in our system of government. Every President and every Congress in our Nation's history has attested to the fact that the free and secret ballot is the foundation of America. The ballot box has always been our means of settling disputes. The vote has been the primary weapon in the arsenal of the American citizen. We have used the ballot both to support national policies and to demand change and reform.

Sadly, almost 200 years after the birth of our Republic and a full 100 years after the ratification of the 15th amendment to the Constitution, a significant proportion of our adult population is denied the opportunity to vote. Black Americans have been systematically kept off the voting rolls in some sections of the country—sometimes through undisguised legislation, but more often through devious devices. There can be no excuse for this in a democracy.

In a message to Congress in 1963, President Kennedy said:

> The right to vote in a free American election is the most powerful and precious right in the world—and it must not be denied on the grounds of race or color. It is a potent key to achieving other rights of citizenship.

President Johnson told Congress in March, 1965:

> Many of the issues of civil rights are complex and difficult. But about this there can be no argument. Every American citizen must have an equal right to vote. There is no duty which weighs more heavily on us than the duty to insure that right.

The passage of the 1965 Voting Rights Act by Congress was a tribute to the persistent efforts of President Johnson and to the high ideals and endless zeal of our beloved President Kennedy. The Voting Rights Act was the first frontal assault on a longstanding and pervasive evil, which had been perpetrated in some parts of the country for more than 100 years by constant and ingenious defiance of the Constitution. Three earlier enactments in 1957, 1960, and 1964 had failed to ease blatant discrimination in the electoral processes in certain areas, primarily in the South. These laws gave the U.S. Attorney General the power to institute lawsuits to protect the right to vote.

This case-by-case approach was met by massive State and local resistance. The result was only the most meager gains in Negro voter registration. In Mississippi, for example, registration increased from 4.4 percent in 1954 to but 6.7 percent by 1964; in contrast, 70 percent of the State's white population was registered.

The 1965 Voting Rights Act, the enactment into law of which Presidents Kennedy and Johnson exerted wise leadership, is different from the voting legislation that preceded it and was an improvement. This law has been the most effective civil rights legislation ever enacted by the Congress. The 1965 act provides for immediate and automatic application instead of lengthy and repeated litigation.

Automatic application works. Black men and women who had earlier been systematically denied the right to vote in many Southern States registered and voted in record numbers following 1965.

In Mississippi, the nonwhite population registration to vote increased from 6.7 percent in 1964 to 59.9 percent in 1968; in Alabama, from 19 to 57 percent; in Georgia, from 27 to 56 percent; in Louisiana, from 32 to 59 percent; and in South Carolina, from 37 to 51 percent.

In addition, many black citizens are now candidates for State and local offices in Southern States. This helps assure adequate representation of all citizens. Charles Evers of Fayette, Miss., has distinguished himself as one of the South's most concerned and progressive mayors. Julian Bond of Georgia is one of the Nation's best known and most promising of the younger generation of the South manifesting interest in public affairs and in public office.

Progress has been phenomenal. However, there is much more to be accomplished. Negro registration is still well below that of white men and women in every Southern State. In many counties Negro registration is less than half that of white men and women. Resistance to equal voting rights is still rampant in some Southern States.

This is not the time to discard the only voting rights law that has really worked. That law should be extended and expanded, not weakened.

Never has there been a more important time to assure voting rights for all Americans. The past few years has seen an alarming increase in crime, mounting disruptions on college campuses, and extensive violence in the major cities of the country, in the North and also in the South. To deny to one group of people the precious right to vote is to deny that group a stake in the democratic process. To deny the ballot as a means of settling disputes is to invite settlement of those disputes in the streets. If the weapon of the vote is not available, some other weapons will be.

Mr. President, I know that President Kennedy, who fought so hard for human rights and human dignity, and President Johnson, who most regrettably is ill today in a San Antonio hospital, would urge us to extend and strengthen the 1965 Voting Rights Act.

President Nixon on December 10, 1969, wrote a letter to the distinguished minority leader of the House of Representatives. In that letter, which has been printed in the RECORD, the President stated, "Justice is diminished for any citizen who does not have the right to vote for those who govern him. There is no way for the disenfranchised to consider themselves equal partners in our society." If the President believes those words, and I assume he does, he will support an extension of the 1965 act. If he is truly concerned about the millions who remain disenfranchised he should, it seems to be, announce his support for the substitute offered by the distinguished senior Senators from Pennsylvania and Michigan and eight other Senators who are members of the Senate Committee on the Judiciary.

The Scott-Hart amendment provides for full extension of the Voting Rights Act of 1965. In addition, it makes uniform throughout the Nation the ban on discriminatory literacy tests and eliminates restrictive residency requirements. This is an important and carefully considered piece of legislation. I enthusiastically support the Scott-Hart amendment and urge its adoption.

Mr. EASTLAND obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. EASTLAND. I yield.

COSPONSOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the amendment offered on yesterday seeking to reduce the age to 18 in the exercise of the franchise.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the Senator would yield further without losing his right to the floor, 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. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, the issue before the Senate is one of the most far-reaching questions we have ever been called on to decide.

The question is: Should certain provisions of the Voting Rights Act of 1965 be extended for another 5 years, and if so, in what form?

In my judgment we have four alternatives open to us:

First. We can allow certain sections of the Voting Rights Act to expire on August 6, 1970;

Second. We can adopt the House-passed administration bill, which would extend the act until January 1, 1974, and would make the ban on literacy tests apply to all 50 States rather than to six Southern States and 39 counties in North Carolina. The administration bill would also delete the obnoxious "prior clearance" provision of the law which compels the covered States and counties to come hat in hand to Washington, D.C., to receive permission before they can make even minor changes in their election laws;

Third. We can adopt the so-called Scott-Hart compromise, which would extend the act for 5 years and extend coverage to all 50 States, but would retain the "preclearance procedure" for the affected Southern States and counties; or

Fourth. Lastly, we could simply extend sections of the act which would expire this August for an additional 5 years.

I have stated these alternative courses of action in the order which I think is preferable.

The proper and wise course for the Congress to take is to allow this unfair, unconstitutional, and discriminatory Voting Rights Act to expire at the earliest possible date. I will not vote for its extension under any circumstances. This law has done more to disrupt our constitutional form of government than any legislation enacted in recent years.

No one can dispute the proposition that every State has the right to fairly administer a reasonable literacy test. The Constitution of the United States makes it perfectly clear that the States are vested with the authority, within specified limitations, to fix the qualifications for voters.

Article I, section 2, provides in part that:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The XVII amendment to the Constitution, relating to the direct popular election of the U.S. Senators, provides, in part:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The States have the complete authority to fix the qualifications for voting except as prohibited by the 15th amendment and the 19th amendment to the Constitution, which prohibits discrimination based on race and sex, respectively, and the 24th amendment, which prohibits the imposition of a poll tax as a condition for voting in Federal elections.

The Supreme Court of the United States has held in a long line of cases that the States have the power to impose a literacy test as a condition for registration or voting. One of the most notable recent cases on this point is *Lassiter* v. *Northampton Election Board of Elections*, 360 U.S. 45. Mr. Justice Douglas, speaking for a unanimous Court, held that the North Carolina literacy test was constitutional. In upholding the validity of the North Carolina literacy test, the Supreme Court discussed with profound clarity and insight some of the considerations which would prompt a State to adopt a literacy test as a prerequisite to voting. The Court stated:

> Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harper*, 205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith*, 159 Mass. 413–414, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

The reasons cited by the Supreme Court as to why a state might determine to impose a literacy test for voting are even more valid and true today than they were in 1959 when the Lassiter case was decided.

Let us not extend an unwise law which would continue to suspend the undoubted constitutional authority of the states to impose a reasonable literacy test as a condition for voting.

In spite of the fact that the Supreme Court of the United States has upheld the Constitutionality of the Voting Rights Act, I deeply believe that that act, and any extension thereof, would be unconstitutional.

In *South Carolina* v. *Katzenbach*, 383 U.S. 301, which upheld the validity of the Voting Rights Act, the Supreme Court in effect said that Congress could enact legislation pursuant to section 2 of the XV amendment, which would suspend the operation of other provisions of the Constitution.

This is a pernicious doctrine. It means that Congress can, at its pleasure, suspend the operation of any provision of the Constitution by enacting legislation which it declares is for the purpose of enforcing the 13th, 14th, 15th, and 19th amendments to the Constitution.

We must kill this monster before it devours us all. The only way to accomplish this is to permit sections 4 and 5 of the Voting Rights Act to expire this year.

However, if Congress unwisely decides to extend the provisions of the Voting Rights Act for an additional period of time, I hope and trust that it will adopt the administration approach as embodied in the House-passed bill. This at least has the virtue to apply the prohibition on literacy tests to all 50 States and not to just a few carefully selected "conquered provinces."

If we enact the House-passed bill, then the worst that can be said of it is that it is unconstitutional. However, if we simply extend the present law, then we would not only have enacted a law which is unconstitutional, but one which is arbitrary and discriminatory as well. That is what the present law is.

One of the most unfair aspects of extending the present law is that the coverage formula is based on the 1964 presidential elections rather than the 1968 presidential elections. As I will later develop, there are great and significant differences between these two elections. Let us first see what has happened in my State of Mississippi between the 1964 elections and the present time. In the 1964 elections, 409,146 Mississippians cast ballots in the presidential election. This constituted 33.2 percent of the voting age population. In the 1968 presidential election 654,510 Mississippi citizens voted. This number represented 50.6 percent of our voting age citizens.

So, if we used a coverage formula based on the 1968 elections, Mississippi as a State would not be covered. There would be no statewide prohibition of literacy tests.

In the State of Alabama, the number of voters increased from 689,818 in 1964 to 1,033,740 in 1968 and the percentage of voting age persons who voted increased from 35.9 to 50.3. In the State of Louisiana, the number of voters rose from 896,293 in 1964 to 1,097,450 in 1968, and the percentage of voting age persons who voted increased from 47.2 to 53.8. And, in the State of Virginia, the number of voters went from 1,042,267 in 1964 to 1,359,928 in 1968, and the percentage increased from 41.1 to 50.4.

Thus, like the State of Mississippi, the States of Alabama, Louisiana, and Virginia, would not be covered if we used the most recent presidential elections as a basis for coverage.

By contrast, Mr. President, I will cite the election figures from two jurisdictions which are not covered by the terms of the Voting Rights Act. In the 1964 presidential elections, there were 2,626,811 votes cast in the State of Texas, which represented 44.4 percent of the persons of voting age in that State. In the 1968 elections there were 3,079,406 votes cast, which constituted 48.5 percent of the voting age population. In the District of Columbia in 1964 there were 198,597 ballots cast. This was 39.4 percent of the eligible population. In the 1968 elections there were only 170,568 votes cast, which was only 33.5 percent.

Mr. President, in the name of conscience, why should Alabama, Louisiana, Mississippi, and Virginia continue to be covered by this act while Texas and the District of Columbia are not? I do not believe anyone can give a fair and equitable answer to that question.

I think that it would be of great interest to the Senate in considering this important issue to have the voting figures for all of the States in the last two presidential elections, along with a breakdown of the percent of the voting age population who voted in each election. I ask unanimous consent that at the conclusion of my remarks there be printed a copy of table 2—"Population of Voting Age and Percent Casting Votes by States: November 1968 and 1964," which is part of an official study published by the U.S. Department of Commerce on December 27, 1968, entitled "Population Characteristics" and which is subtitled "Voter Participation in November 1968."

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

(See exhibit 1.)

Mr. EASTLAND. Mr. President, there are those who might object to using the 1968 election figures as a basis for determining coverage under the act because they would say that to do this would be to allow certain "guilty States" like Alabama, Louisiana, Mississippi, and Virginia to escape coverage. In my judgment, nothing that any of these States do will ever convince those who hate them that they should not be covered, even though they now vote more than 50 percent of the voting age population.

But, Mr. President, there is one other reason which compels the use of the 1968 figures if we extend the provisions of the act. The truth of the matter is that if we use the 1968 figures at least three populous counties in the State of New York would be covered. The use of literacy tests would be prohibited in those counties and Federal examiners could be sent in to supervise the voting therein.

The State of New York has a requirement that an applicant for voting demonstrate the ability to read and write. This is a form of literacy test.

It may shock some people to learn these facts, but I have obtained estimates from the Bureau of the Census as to the voting age population in the counties of New York, Kings and the Bronx as of November 1, 1968. These estimates show that as of that date the voting age population of Kings County was 1,633,000, the voting age population of New York County was 1,085,000, and the voting age population of Bronx County was 938,000.

In the 1968 presidential elections 810,640 persons voted in Kings County, which is Brooklyn, 553,629 voted in New York County, which is Manhattan, and 465,475 voted in Bronx County, which is the Bronx.

As to New York County, the census estimates show that approximately 51 percent of the eligible population voted. These census estimates were based on the New York City Housing and Vacancy Survey. However, population estimates of the persons over 21 years of age for New York County based on a study conducted by Dr. Abraham Burstein, entitled "Democratic Projection for New York State Counties," New York State Planning Coordination, Human Resources Administration, indicates that there were in New York County 1,155,675 persons of voting age on that date. If these figures are accepted as being

correct, then only 47.9 percent of the eligible population of Manhattan voted in the 1968 presidential elections. Dr. Burstein's study was submitted to the Subcommittee on Constitutional Rights at its hearings on this subject.

In each of these three political subdivisions of New York State, with the possible exception of Manhattan, less than 50 percent of the voting age population actually cast ballots in the 1968 presidential election.

These facts, linked with the fact that New York State has a literacy test as a requirement for voting, makes these counties eligible for coverage. Why should not they be?

Some may answer that there is no discrimination based on race or color in the administration of the literacy test in those three counties, and for that reason they should not be covered. These persons would say that coverage should be restricted to the "bad States" of the South, where everybody knows all of the people are guilty of discrimination.

But I would remind my colleagues that the coverage formula contains nothing in it about proof of discrimination in the administration of a literacy test. In fact, the purpose of the coverage formula in the 1965 act was to avoid the necessity of proving such discrimination.

It was a legislative effort to short circuit the judicial process.

I would further remind you that at the time of the enactment of the 1965 act, no more than 10 of the 82 counties of Mississippi had been found to be guilty of racial discrimination in the administration of the Mississippi literacy test. Yet all 82 counties were legislatively condemned to have their constitutional authority to impose a literacy test suspended.

Of the 39 counties of North Carolina covered by the 1965 act there had been no proof shown that any of those counties had been guilty of racial discrimination in the administration of the literacy test, yet all 39 were covered by the formula.

The same thing is true of all of the other Southern States that were punished by the act.

In these three counties of New York State there are over 3,600,000 persons of voting age who are entitled to be covered by the Voting Rights Act. There are hundreds of thousands of illiterates in these counties who should not have the New York literacy test applied to them. This is more than the voting age populations of Alabama and Mississippi combined. Yet, there are those who would say that we must continue to punish Alabama and Mississippi and let New York State do as it chooses.

Mr. President, I say that if the presumption that the existence of a literacy test as a precondition to voting, plus a voter turnout of less than 50 percent of the eligible population, conclusively shows that there has been discrimination based on race or color in the registration of voters was sound in 1965, it is just as sound today.

Personally, I do not believe that this is a valid or correct presumption, but the Senate should follow through on it if it believes it at all.

If we continue to suspend the literacy test in Alabama and Mississippi and send Federal examiners in to supervise the elections, and if we continue to compel them to come to Washington, D.C., to beg for the right to change their election laws, then we should certainly apply this treatment to Manhattan, Brooklyn, and the Bronx.

Incidentally, we all know that all three of these counties in the State of New York have heavy black populations.

Hon. John N. Mitchell, Attorney General of the United States, ably covered this point when he testified on July 11, 1969, before the Subcommittee on Constitutional Rights on this legislation. Mr. Mitchell made the following cogent statement of the facts:

> In most Deep South Counties subjected to literacy test suspension, between 50 and 75% of the Negroes of the voting age are now registered to vote. It is clear that this level is higher than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in non-literacy test Northern jurisdictions like Chicago, Cleveland, and Philadelphia, Negro registration and voting ratios are higher than in Los Angeles and New York.
>
> Consider, for example, the 1968 voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx, and Brownsville-Ocean Hill, six nearly all-Negro Assembly districts (55th, 56th, 70th, 72nd, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 Census eligible voter population of 45,000–50,000. On average, less than 25,000 voters were registered in these districts.
>
> In addition since Congressional districts are roughly equal in population, voting statistics from such districts may be used to compare New York and California Negro voter turnouts with those of other states.
>
> In the nine Northern big city states—Massachusetts, New York, New Jersey, Pennylvania, Ohio, Michigan, Illinois, Missouri and California—there were only ten congressional districts where fewer than 100,000 votes were cast for Congress in 1968. Of the ten, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12th, 14th, 18th, 19th, 20th, 21st and 22nd New York—consists largely or partly of Negro ghetto areas.
>
> These statistics illustrate a prima facie relationship between Northern literacy tests and low voter participation by Negroes.

There can be no doubt but that the literacy test of the States of New York and California have prevented illiterate black citizens from voting.

Let us be realistic and honest about this matter. The mere fact that a literacy test exists will deter almost all illiterates from attempting to register to vote. So, even if the coverage formula of the 1965 act as applied to the 1968 presidential elections did not compel the conclusion that the three New York counties have been guilty of discrimination, the fact is that the existence of a literacy test, whether fairly applied or not, will prevent illiterates, many of whom are black, from voting.

This point was well covered by the statement submitted to the Subcommittee on Constitutional Rights by Raymond Nakai, chairman of the Navajo Tribal Council. He gave the background of the experience of the Navajo Tribe with the Voting Rights Act of 1965 and made some pertinent observations, as follows:

> Arizona's literacy test was litigated under the Voting Rights Act of 1965 in the case of *Apache County* v. *United States*, 256 F. Supp. 903 (1966). After proceedings had been instituted, Arizona restricted its literacy test requirements to registration. The District Court found the evidence insufficient to show systematic discrimination against Navajos in the application of the literacy test, noted that discrimination was less likely with the registration test, and upheld the literacy tests. The Voting Rights Act of 1965 did not help the Navajo People of Arizona.
>
> Large portions of the Navajo Nation fall within Arizona's boundaries, and within New Mexico's boundaries. New Mexico has no literacy test, and Navajos in New Mexico have been much more active in exercising their franchise, than Navajos in Arizona. At least 6 Navajos have served in the New Mexico State Legislature in recent years, while only one has served in Arizona.
>
> This difference results from a deep apathy and lack of concern among Navajos in Arizona, and the literacy test is the one major cause of this apathy. Whether the literacy test is, or is not, discriminatorily applied is irrelevant. The test itself is the cause of apathy, because Navajos who could not read English, or sign their names, or who were unsure about their command of English, would not risk the embarrassment of being openly rejected, at the polls or in the registrar's office.
>
> The mere extension of the Voting Rights Act of 1965 will not remedy this situation. The apathy of Navajos in Arizona, affecting their exercise of the franchise in both state and federal elections, will exist until the literacy test requirement is ended, or until education and literacy rates improve. In the meantime, the literacy test will continue to discourage older Navajos from voting.

Mr. President, who can take issue with the soundness of these remarks by the representative of the Navajo Indians? It seems that they have, indeed, been the forgotten people.

If we are going to continue the provisions of the 1965 Voting Rights Act, certainly logic, commonsense, and fairplay compels us to use the 1968 election figures rather than the 1964 figures.

It is elemental that legislation looks to the future and operates on future events, whereas decisions of courts look to the past and decide controversies based on past occurrences.

It is highly unusual for a statute to be drafted in such a manner that its coverage is frozen into past events. The Voting Rights Act of 1965 is an exception to the general rule in this respect. However, if we are to continue to let the dead hand of the past be our guide in the formulation of legislation, then in the name of fairness and due process, let us at least be guided by the most recent facts, and not by stale, irrelevant facts.

In my judgment, it would not be logical, rational, or constitutional for Congress to extend coverage to the States of Alabama, Louisiana, Mississippi, and Virginia, and permit the three populous counties of New York State to escape coverage of the act when we know that the present facts do not support such discriminatory treatment.

In its opinion rendered in the case of *Tot* v. *U.S.*, 319 U.S. 463, 467–468, the following statement was made by the U.S. Supreme Court on the power of Congress to create legislative presumptions of fact:

The Government seems to argue that there are two alternative tests of the validity of a presumption created by statute. The first is that there be a rational connection between the facts proved and the fact presumed; the second that of comparative convenience of producing evidence of the ultimate fact. We are of the opinion that these are not independent tests but that the first is controlling and the second but a corollary. Under our decisions, a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from proof of the other is arbitrary because of lack of connection between the two in common experience. This is not to say that a valid presumption may not be created upon a view of relation broader than that a jury might take in a specific case. But where the inference is so strained as not to have a reasonable relation to the circumstances of life as we know them, it is not competent for the legislature to create it as a rule governing the procedure of courts.

The facts that we know at the present time certainly do not justify discriminatory application of this law to the four Southern States above mentioned. To attempt to extend such discriminatory law for 5 more years into the future would, in my judgment, be unconstitutional as well as unfair.

Mr. President, in summary, I hope that the provisions of the 1965 Voting Rights Act, which are due to expire in August, will be allowed to die in peace. They are no longer needed, and to breathe fresh life into them would be an unconstitutional abuse or congressional power.

However, if we are to extend the provisions of this law, let us at least be fair enough to adopt the administration approach. In the name of equity and national unity, we must not continue to discriminate against the Southern States. This law must be applied nationwide, if it is to continue to be applied at all.

Mr. President, on February 18th of this year, the Senate took one of the greatest steps toward national reconciliation since I have been a Member of this body. On that day, the Senate adopted by a vote of 56 to 36 the Stennis amendment, which declared it to be the policy of the United States that HEW enforce school integration guidelines uniformly throughout this great Nation, North and South, East and West.

By this vote, the Senate, in my opinion, told the people of this country that we will no longer have regional and sectional application of the laws of the United States, but that the law of the land will be equally and uniformly applied to all sections, regions, and States.

The Senate—by this historic action—has notified the world that this Republic is truly one nation—indivisible—that the family of States abides together in one great house which we call America.

Old and bitter boundaries are abolished and the word goes forth that Americans live here—not northerners or southerners—not easterners or westerners.

The courts and the Congress of the Federal Establishment are called upon to rule by the consent of our citizenry with the even hand of equity in the framework of fairness.

Above all the courts, above both Houses of Congress, above all the departments and bureaus, stand the people, the source of the power of this mighty Nation.

And how, Mr. President, do the people exercise the power that they wisely reserve unto themselves?

They vote. They employ the ultimate weapon in mankind's age-old fight to be free—the ballot.

That ballot—that piece of paper—made America. In the most literal sense it is America—past, present, and future.

There is no area of our existence—no aspect of our system—where the application of a uniform standard is more important than in that field which involves the life of this land—and that vital field is the vote.

Mr. President, this body acted in the capacity of the healer, of the unifier, on February 18. The Senate voted, in its finest tradition, to truly bring us together.

I appeal today for the utilization of that healing and unifying philosophy, rather than the repugnant approach of the punishment of one section, in our consideration of the Voting Rights Act.

EXHIBIT 1—TABLE 2.—POPULATION OF VOTING AGE AND PERCENT CASTING VOTES, BY STATES: NOVEMBER 1968 AND 1964

Region, division, and State	Total resident population of voting age [1]		Casting votes for President [2]			
			Number		Percent	
	1968 [3]	1964	1968	1964	1968	1964
United States	120,006,000	113,817,000	73,160,223	70,642,496	61.0	62.1
Regions:						
Northeast	30,405,000	29,228,000	19,235,522	19,621,264	63.3	67.1
North Central	32,781,000	31,589,000	22,202,472	22,209,002	67.7	70.3
South	36,772,000	34,429,000	19,140,276	16,599,397	52.1	48.2
West	20,048,000	18,572,000	12,581,953	12,212,833	62.8	65.8
Northeast:						
New England	7,000,000	6,732,000	4,824,398	4,785,601	68.9	71.1
Middle Atlantic	23,405,000	29,496,000	14,411,124	14,835,663	61.6	65.9
North Central:						
East North Central	23,234,000	22,255,000	15,698,346	15,658,560	67.6	70.4
West North Central	9,547,000	9,334,000	6,504,126	6,550,442	68.1	70.2
South:						
South Atlantic	17,901,000	16,630,000	9,412,984	8,294,253	52.6	49.9
East South Central	7,776,000	7,373,000	3,992,760	3,289,115	51.3	44.6
West South Central	11,095,000	10,425,000	5,734,532	5,016,029	51.7	48.1
West:						
Mountain	4,491,000	4,228,000	2,888,452	2,836,038	64.3	67.1
Pacific	15,557,000	14,344,000	9,693,501	9,376,795	62.3	65.4
New England:						
Maine	582,000	580,000	392,936	380,965	67.5	65.7
New Hampshire	424,000	398,000	[4] 297,190	288,093	70.0	72.4
Vermont	246,000	232,000	[4] 161,403	163,089	65.6	70.3
Massachusetts	3,361,000	3,267,000	2,331,699	2,344,798	69.4	71.8
Rhode Island	561,000	547,000	384,938	390,078	68.6	71.3
Connecticut	1,825,000	1,708,000	[4] 1,256,232	1,218,578	68.8	71.4
Middle Atlantic:						
New York	11,731,000	11,280,000	6,790,066	7,166,203	57.9	63.5
New Jersey	4,412,000	4,131,000	2,875,396	2,846,770	65.2	68.9
Pennsylvania	7,261,000	7,085,000	4,745,662	4,822,690	65.4	68.1
East North Central:						
Ohio	6,238,000	5,978,000	[4] 3,959,590	3,969,196	63.5	66.4
Indiana	2,957,000	2,832,000	2,123,561	2,091,606	71.8	73.9
Illinois	6,605,000	6,383,000	[4] 4,619,749	4,702,841	69.9	73.7
Michigan	4,965,000	4,673,000	[4] 3,306,250	3,203,102	66.6	68.5
Wisconsin	2,469,000	2,390,000	1,689,196	1,691,815	68.4	70.8
West North Central:						
Minnesota	2,091,000	2,021,000	1,588,340	1,554,462	76.0	76.9
Iowa	1,650,000	1,636,000	1,617,539	1,184,539	70.8	72.4
Missouri	2,818,000	2,729,000	1,809,502	1,817,879	64.2	66.6
North Dakota	366,000	360,000	247,848	258,389	67.8	71.7
South Dakota	386,000	394,000	281,264	293,118	72.8	74.4
Nebraska	865,000	870,000	[4] 536,850	584,154	62.1	67.2
Kansas	1,372,000	1,324,000	[4] 872,783	857,901	63.6	64.8
South Atlantic:						
Delaware	306,000	287,000	[4] 214,367	201,320	70.0	70.2
Maryland	2,187,000	2,003,000	[4] 1,235,039	1,116,457	56.5	55.7
District of Columbia	509,000	505,000	170,568	198,597	33.5	39.4
Virginia	2,698,000	2,538,000	[4] 1,359,928	1,042,267	50.4	41.1
West Virginia	1,079,000	1,064,000	754,206	792,040	69.9	74.4
North Carolina	2,948,000	2,752,000	[4] 1,587,493	1,424,983	53.9	51.8
South Carolina	1,453,000	1,357,000	666,978	524,756	45.9	38.7
Georgia	2,883,000	2,647,000	1,236,600	1,139,352	42.9	43.0
Florida	3,839,000	3,477,000	[4] 2,187,805	1,854,481	57.0	53.3
East South Central:						
Kentucky	2,061,000	1,985,000	1,055,893	1,046,105	51.2	52.7
Tennessee	2,367,000	2,235,000	1,248,617	1,144,046	52.7	51.2
Alabama	2,056,000	1,923,000	1,033,740	689,818	50.3	35.9
Mississippi	1,292,000	1,231,000	[4] 654,510	409,146	50.6	33.2
West South Central:						
Arkansas	1,176,000	1,124,000	609,590	560,426	51.8	49.9
Louisiana	2,040,000	1,901,000	[4] 1,097,450	896,293	53.8	47.2
Oklahoma	1,533,000	1,487,000	948,086	932,499	61.9	62.7
Texas	6,346,000	5,914,000	[4] 3,079,406	2,626,811	48.5	44.4
MOUNTAIN:						
Montana	405,000	396,000	[4] 274,404	278,628	67.8	70.4
Idaho	401,000	382,000	291,183	292,477	72.6	76.5
Wyoming	186,000	192,000	127,205	142,716	68.4	74.4
Colorado	1,181,000	1,122,000	806,445	776,986	68.3	69.3
New Mexico	534,000	517,000	325,762	327,615	61.0	63.4
Arizona	948,000	861,000	486,936	480,770	51.3	55.8
Utah	555,000	509,000	422,299	401,413	76.1	78.9
Nevada	282,000	249,000	154,218	135,433	54.8	54.3
PACIFIC:						
Washington	1,836,000	1,752,000	1,304,281	1,258,374	71.0	71.8
Oregon	1,240,000	1,133,000	818,477	786,305	66.0	69.4
California	11,904,000	10,916,000	7,251,550	7,057,586	60.9	64.7
Alaska	154,000	140,000	82,975	67,259	53.9	48.1
Hawaii	424,000	403,000	236,218	207,271	55.8	51.4

[1] Comprises the population 18 years and over in Georgia and Kentucky, 19 years and over in Alaska, 20 years and over in Hawaii, and 21 years and over in all other States. Includes Armed Forces residing in each State.

[2] Except where noted, votes cast in 1968 are based on complete returns reported by the Associated Press, December 13, 1968. Excludes 19,608 persons voting for candidates not allocated by States. Votes cast in 1964 based on U.S. Congress, Clerk of the House, The Presidential Election of November 1964.

[3] Supersedes estimates published in Current Population Reports, Series P-25, No. 406.

[4] Based on certified count of voters.

Mr. FONG. Mr. President, I rise to speak today in support of amendment No. 544, the Scott-Hart amendment, which is in the nature of a substitute to H.R. 4249. This amendment would extend the Voting Rights Act of 1965 intact for another 5 years. It would also add a separate title incorporating two new features proposed in H.R. 4249: the extension of the ban against literacy tests throughout the 50 States and a limitation of residency requirement in presidential elections.

The passage of the substitute amendment is necessary. The Voting Rights Act of 1965 is the most effective civil rights law enacted in our history. This law will expire on August 6, 1970, if we do not vote to extend it.

H.R. 4249, which passed the House of Representatives last December 11, would drastically change the Voting Rights Act of 1965. Basically H.R. 4249 would eliminate the most powerful and successful provision of the 1965 Voting Rights Act: the preclearance provision of section 5. The Senate is now faced with a choice—to extend the Voting Rights Act of 1965, including section 5, intact together with two new voting rights features; or to pass H.R. 4249, which would repeal the strong effective provisions of the 1965 act.

To fully understand the present controversy over the extension of the 1965 Voting Rights Act, it might be helpful to review briefly the prior legislation in this area.

In 1948, Congress passed three laws making it a felony to deprive a citizen, or to conspire to deprive him, of any constitutional right, or to intimidate him for the purpose of interfering with his right to vote. These laws were very ineffective, because of the virtual impossibility of securing convictions from southern juries and because of the failure of these laws to provide a way to register Negroes.

In 1957, during the Eisenhower administration, Congress passed a civil rights statute empowering the Attorney General to initiate suits for injunctions against discrimination in voting and intimidation. This law also was very ineffective because of the long periods of delay involved in judicial litigation.

Suit had to be brought to get registration records, which were often destroyed. Again, there was the problem of getting Negroes registered, even after a suit proving discrimination had been won.

In 1960, the Eisenhower administration proposed, and Congress passed, a law allowing the Attorney General, after winning a suit under the 1957 act, to ask the court in another proceeding to find a "pattern or practice" of voting discrimination in the area involved in the suit.

If the court so found, any Negro in the area who complained that he had not been allowed to vote could ask the court to issue an order declaring him qualified. The court could appoint a referee to take evidence and made a finding. Then either the court or the referee could issue a certificate declaring the Negro qualified.

The process of assembling proof to convince some judges of a pattern or practice was extremely difficult and time consuming.

Further, there was still the untouched problem of discriminatory use of application forms and literacy, or interpretations tests by registrars.

To deal with this problem, Congress in the Civil Rights Act of 1964 prohibited the disqualifying of applicants for inconsequential errors or omissions—such as crossing a "t" or making an error in giving their age in years, months, and days.

None of these enactments proved effective in safeguarding the right of Negroes to vote.

Litigation on a case-by-case, county-by-county basis simply did not work. Even when there was a favorable judgment, some State and local authorities unfairly applied voting qualifications and standards of eligibility to many of our Negro citizens.

In addition, some State legislatures were quite inventive and ingenious in devising new voter requirements—even after decisions had been won striking down old ones as discriminatory.

For all these reasons, the Congress in 1965 enacted the Voting Rights Act—a strong law, which gave the Federal Government the requisite power to intervene in States, localities, and counties where voting rights had been manifestly denied Americans.

The law was designed to deal with the principal means States and local governments had used for frustrating the implementation of the 15th amendment for all Americans.

At the core of the act and the key to its effectiveness are the provisions of sections 3, 4, and 5 of the act.

Section 3 is the forgotten provision of the Voting Rights Act. It provides that, in any action brought by the Attorney General to enforce the 15th amendment, he may seek judicial relief which includes the suspension of literacy tests, the use of Federal examiners, and the determination of the validity of any new voting law or procedure by the Court. If the Court finds that 15th amendment violations justifying equitable relief have occurred, it may authorize appointment of Federal voting examiners and suspend the use of tests and devices. The Court can retain jurisdiction of the case for as long as it deems necessary and during such period prohibit the use of any new voting qualification or prerequisite to voting or any standard, practice or procedure different from that in force at the time suit was commenced.

In other words, section 3 empowers the Attorney General to bring any jurisdiction in the United States under the exact restrictions which are now contained in section 5. The provision of section 3 extends coverage of the 1965 Voting Rights Act to any jurisdiction in our Nation if the Attorney General can prove that a literacy test or other device was used to frustrate the mandate of the 15th amendment.

Section 4 suspends the use of literacy tests and other devices in any jurisdiction in which less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or in which less than 50 percent of such persons voted in the 1964 presidential election.

The Scott-Hart bill would extend this "trigger" provision under the 1965 act for an additional 5 years and therefore make sure that jurisdictions which came under the requirements of section 4 would remain under section 5 for an additional 5 years.

The automatic triggering device in section 4 also empowers the Attorney General to assign Federal examiners and poll watchers to any covered jurisdiction. This provision seeks to insure the proper registration of all voters and prevent the unlawful interference with the exercise of the franchise.

Section 5 requires that a jurisdiction that fell under the provisions of section 4, and therefore under the act, must clear new voting laws and practices with the district court of the District of Columbia or the Attorney General before they can go into effect.

There are crucial features of strength contained in section 5 that I wish to underscore. The first is that the burden of proof is placed upon the jurisdiction to show that the new voting law or procedure does not have the purpose or effect of discriminating. Those who know the law or procedure best and what motivated its passage must come forward and explain it.

Section 5 strips away the presumption of validity that so often cloaked imaginative and clever schemes to discriminate. This act requires the jurisdiction to explain any new law and therefore serves to deter the multiplication of such schemes.

Second, section 5, in effect, freezes any proposed change in election procedures in the State or local jurisdiction covered under the act, unless these changes can be shown to be nondiscriminatory.

Third, section 5 permits private citizens to "police" the local jurisdictions. This was not clear until March 1969, when the Supreme Court spoke in Allen against Board of Education. Prior to that, if a State government or the Federal Government did not carry out the command of section 5, there was doubt that a private individual could compel compliance. But the Supreme Court decision in Allen against Board of Education shows this mutual apathy on the part of government need not be fatal to enforcing voting rights.

Inasmuch as a private party now can ask the court to prevent a law from going into effect—on the ground that it had not been cleared with the Attorney General—this acts as a strong persuader on local jurisdiction to obey section 5, and not the much more difficult task of proving that the law was discriminatory.

The Supreme Court in Allen perceived the need for private enforcement. The Court said:

> The achievement of the Act's laudable goal could be severely hampered, however, if each citizen were required to depend solely on litigation instituted at the discretion of the Attorney General.

There are two factors in this controversy about extension of the Voting Rights Act which should be noted by my colleagues.

First, the act contains an escape clause. Section 4(A) provides that a State or political subdivision can obtain a declaratory judgment removing itself from coverage by the 1955 act by showing that for the preceding 5 years—10 if the act is extended—it has not used a literacy test or other device to deny the right to vote on account of race.

The State of Alaska and various counties throughout the Nation have removed themselves from coverage under the act according to the procedures of this section.

Second, and most important, the Voting Rights Act of 1965 is constitutional. Every key provision of the act has been reviewed by the Supreme Court in various decisions and in each instance, the constitutionality of the act has been upheld.

This, to me, seems a most persuasive argument for the Scott-Hart approach to the issue.

We have the most effective civil rights act in our history already on the statute books. A simple extension of that law intact would forestall extended litigation that would undoubtedly arise on the constitutionality of a new and different voting rights act.

Then, in a separate title, we can add proposals to liberalize residence requirements for presidential elections and to extend the ban against literacy tests and other devices to the 50 States.

In this way, we would not lose any of the strength or effectiveness of the 1965 act, and we would gain advantages in the area of voting rights with the addition of these two new proposals.

Mr. President, let us be clear about the heart of this debate. The core of the controversy is the preclearance provision in section 5 of the act.

We, the cosponsors of amendment No. 544, have included two new proposals on voting rights which the President termed "critical" in his letter of December 10 to GERALD FORD, minority leader of the House of Representatives. We do this without eliminating the preclearance provision of section 5 which has been so effective in registering blacks over the past 5 years.

The experience of the Justice Department in 7 years of piecemeal litigation prior to the passage of the 1965 act was frustrating, to say the least.

Only 36,000 blacks were registered in that 7-year period.

One state in the South went from a Negro registration percentage of under 5 percent in 1957 to 6.7 percent in 1964. However, under the 1965 act, registration in that State increased to 59.4 percent in 1968.

Subsequent to the passage of the 1965 act, over 800,000 blacks have been registered to vote throughout the South.

In this regard, comparable statistics in the nine Southern States clearly reveal the effectiveness of the act.

VOTING STATISTICS IN 9 STATES

State	Percentage of voters registered				Nonwhite percentage of total voting population
	Prior to act		Present		
	White	Nonwhite	White	Nonwhite	
Alabama	69.2	19.3	82.5	56.7	26
Georgia	62.6	27.4	84.7	56.1	25
Louisiana	80.5	31.6	87.9	59.3	29
Mississippi	69.9	6.7	92.4	59.4	36
North Carolina	96.8	46.8	78.7	55.3	22
South Carolina	75.7	37.3	65.5	50.8	29
Arkansas	65.5	40.4	75.2	67.5	19
Florida	74.8	51.2	83.8	62.1	15
Virginia	61.1	38.3	67.0	58.4	19

Sources: Civil Rights Commission; Bureau of the Census; Southern Regional Council, Inc.

Much has been done. These statistics show an overall rise of 50 percent in the percentage of black registration over the life of the act.

The statistics also clearly demonstrate that the case-by-case method of combating discrimination has been woefully ineffective in the past.

The turtle pace of litigation is simply too slow to match the pattern of rapid changes in voting laws and practices which regularly occur in the South prior to each election.

When we passed the law in 1965, it was our hope that 5 years would be enough time in which to enfranchise all qualified citizens, who could then vote for representatives of their own choosing to speak for them in their local, State, and National governments. However, these figures demonstrate that the 5-year target date was overly optimistic.

H.R. 4249 would drastically relax the Federal attack on discrimination in States which are becoming ever more sophisticated in creating legal machinery for discrimination against the black votes.

Father Hesburgh, Chairman of the Civil Rights Commission, has said that repeal of section 5 in its present form is in no sense an advance of voting rights protection.

He said:

It is a distinct retreat. It is an open invitation to those States which denied the vote to minority citizens in the past to resume doing so in the future through insertion of disingenuous technicalities and changes in their election laws.

It would turn back the clock to 1957 . . . Now is not the time to gut one of the Act's key provisions. (House Hearings at 299.)

The issue before us then is—advance or retreat in the effort to enfranchise every American citizen.

The right to vote Thomas Jefferson once described as the "ark of our safety."

The 15th amendment to our Constitution guarantees the right of citizens to vote in clear and indisputable language:

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Our task is to see to it this constitutional right becomes a reality for every American citizen.

The mandate is clear. The 15th amendment does not indicate that we can relax this effort when a certain percentage of Americans have attained that right. It provides that each individual citizen be guaranteed that right.

Mr. President, the battle to enfranchise black people spans an entire century. We must not relax our effort to guarantee this right which has been promised so long and denied so often. The passage of H.R. 4249 would repeal section 5 and would be a tragic step backward in this long battle to grant the full rights of citizenship to all our people.

I urge my colleagues to support the Scott-Hart amendment and fulfill this promise made by the Constitution over 100 years ago.

Mr. GURNEY. Mr. President, I rise to urge support of the Senate for H.R. 4249, the House-passed bill entitled, "Voting Rights Act of 1969."

The right to vote is fundamental to our democratic system of Government. Through the exercise of the franchise, a citizen selects the persons who will lead the country and who will make its laws.

If a citizen is unfairly or discriminatorily denied the right to vote, it is likely that he will lose faith in the institutions of this country. If groups of citizens are unfairly or discriminatorily denied the right to vote, the representative nature of the U.S. Government is undermined.

The 15th amendment to the U.S. Constitution guarantees to every citizen the right to vote without regard to race, color, or previous condition of servitude. This guarantee gave rise to the Voting Rights Act of 1965. The 1965 act is universally recognized as a significant piece of legislation. I must say, I had some misgivings about it when it was enacted. I was serving at that time in the House of Representatives. I objected not at all to the stated purpose of the 1965 act, but rather to the means it employed to achieve that purpose. In my view, the act should have been drafted on a truly national basis—and the singling out of certain States was unwise and unwarranted.

But I must also admit that the 1965 act in operation has led to a considerable increase in the number of Negroes registering and voting in elections. I think that is excellent progress. I certainly can never approve of any State law or State policy which unfairly disenfranchises substantial numbers of our citizens or any particular class of our citizens on the basis of their race.

It is my firm belief that the bill before the Senate, H.R. 4249, will play an important role in the years to come in insuring that citizens in all parts of the country, including racial minorities, the undereducated and the economically disadvantaged—will have the right to vote, free from discrimination and arbitrary restrictions.

I would like to take a few minutes to review the key provisions of the bill before us, H.R. 4249.

In the first place, the bill would impose a nationwide ban on literacy tests until January 1974. Presently, 20 States have laws making literacy a condition for voting. Under the 1965 act, literacy tests were suspended in six of these States,

and in 39 counties in a seventh, all in the South. The 1965 act suspended the use of literacy tests in certain States because those tests were presumably used to discriminate against Negroes. It is clear to me that literacy tests have the same discriminatory effect wherever and whenever they are used. Data on the 1968 election developed by the Bureau of the Census and submitted to the Subcommittee on Constitutional Rights shows that in States with literacy tests, minority group persons, particularly those with poor education, register and vote at a significantly lower rate than in nonliteracy test States. For example, in the Northern and Western States, 55 percent of Negroes with less than 9 years of schooling were registered in literacy test States as compared with 76 percent in States without literacy tests. There was also a lower registration rate for whites in literacy test States, but the differential was not as great as for Negroes.

In this day, citizens can acquaint themselves with the issues in the election by means that do not require literacy. I believe that the literacy test is an unnecessary barrier to the right to vote. The House-passed bill would remove this barrier, which operates primarily against those who have not had the benefit of a full education, by barring the use of literary tests throughout the country until January 1974.

The second important provision of H.R. 4249 which would result in fuller utilization of the right to vote is the establishment of national residency requirements in elections of President and Vice President. Under this bill, a person could not be denied the right to vote for President and Vice President on the basis of a State or local residency requirement where he had resided in that State or locality since September 1 of the election year. If he moved after September 1, the citizen would be permitted to vote in the presidential election, in person or by absentee ballot, in his former State or locality.

The Census Bureau estimates that some 3 million persons could not vote in the 1968 presidential election because of State or local residency requirements. This too is an arbitrary and unnecessary barrier to voting. A residency requirement may be reasonable for a local election because it would give the voter an opportunity to acquaint himself with the local issues. But it makes no sense for presidential elections, where the issues are nationwide in scope. A person moving from State to State—and in our mobile society this is happening more and more frequently—has every opportunity, through the national communications media, to acquaint himself with the major issues in the election. There is absolutely no reason why these 3 million citizens who were not able to vote in the last presidential election should have been deprived of an opportunity to participate in the decision as to who would lead the Nation for the next 4 years.

These provisions—the nationwide ban on literacy tests and the residency requirements—would consolidate and extend the protection of the right to vote guaranteed by the 1965 act.

Most of the controversy relating to H.R. 4249 has centered around changes that this bill would make in section 5 of the 1965 act. There is considerable misunderstanding as to the purpose and effect of this provision in the administration bill, and I would like to give my views on the matter.

The House-passed bill would authorize the Attorney General to bring a suit in a Federal district court where he has reason to believe that a State or locality has enacted or is seeking to administer a voting law which would have a discriminatory purpose or effect. Under the old section 5, State and local voting laws would not become effective unless submitted to and approved by the Attorney General, or unless a judgment was obtained from the district court of the District of Columbia declaring that the law is not discriminatory. I think that provision of the 1965 act was onerous and unfair—grossly unfair—to the States involved. But, rather than dwelling on the shortcomings of the 1965 act—because I have made some mention of those in prior debate in earlier days—I would like to speak of the act before us now.

It has been argued that the proposed section 5 would open the door to States and localities enacting discriminatory voting legislation.

I think this view is in error. I think it exaggerates the effectiveness of the old section 5 and it underestimates the potential of the proposed section 5.

First, what is the record of accomplishment under the present section 5? During the almost 5 years in which the 1965 act has been effective, the six covered States and the approximately 40 covered counties submitted a total of some 426 laws to the Attorney General for approval under section 5. It is obvious that many covered States and counties have enacted and applied voting laws without having first submitted them to the Attorney General. But even more significant is the fact that the Attorney General found it necessary to object to only 22 of the 426 laws submitted. These statistics were made available by the Department of Justice and cover submissions up to March 2, 1970. It is apparent, therefore, that the bulk of the laws submitted were not, in the opinion of the Attorney General, discriminatory. Whether a greater percentage of the voting laws not submitted would have been found to be discriminatory, we do not know for certain. I do not think that can be used as much of an argument, because the facts are not there.

The important fact is that the procedure under the original section 5, which imposes a considerable burden on State and local governments, and which involves the expenditure of much time and energy by the Department of Justice, has resulted in the rejection of only 22 discriminatory voting laws in 5 years—less than five per year. I seriously question whether the small advantage gained justifies the burdens involved, or, for that matter, justifies what I think is this special discrimination against these selected few States in the South.

The administration, having carefully considered the actual operation of the original section 5, has proposed another procedure, less cumbersome, which I believe would achieve essentially the same results. H.R. 4249 provides for suits by the Attorney General to block the enforcement of State or local laws with a discriminatory purpose or effect.

In evaluating this provision, I must first emphasize that it is not true that H.R. 4249 would completely eliminate the responsibility of State and local governments to clear voting laws with the Attorney General. Section 3(c) of the 1965 act—which would remain in effect under H.R. 4249—provides that where a court finds, in a case brought by the Attorney General, under any statute, that violations of the 15th amendment justifying equitable relief have occurred, the court shall retain jurisdiction of the proceeding for an appropriate period. During that period, to be determined by the court, the State or locality would be required to follow the preclearance procedures presently included in section 5.

In other words, under H.R. 4249, State and local governments which violate the 15th amendment could be required to submit their voting laws for approval to the Attorney General for as long as a period as the court considers it necessary. The original section 5 tied the submission requirements to the 50-percent formula: a State applying a test or device in which less than 50 percent of the population registered or voted in the 1964 election would be subject to the section 5 procedure. The provision in H.R. 4249 eliminates the formula based on 1964 voting statistics and provides for submission only where a State is proved to have discriminated. This standard is more reasonable and would limit the application of the submission procedures to situations where they are really needed.

I must say, too, that providing for submission only where the State is proved to have discriminated is certainly in full agreement with the American concept of justice. I do not know of any other area in which we assume a person is guilty until proved innocent. Yet, in the 1965 Voting Rights Act that is exactly what we did so far as these particular States were concerned. It seems to me that we have adopted an attitude which says that they are guilty until they prove themselves innocent, which is certainly a complete turnabout in concept of the American law and sounds very un-American to me.

In addition to the power of a court in any case to order preclearance, the proposed section 5 authorizes the Attorney General to bring suits to prevent the implementation of discriminatory voting laws. These suits could be brought in any part of the country. In the suit, it would not be necessary for the Attorney General to prove discriminatory "purpose"; this is often hard to show. If the law would have a discriminatory "effect," it could also be enjoined.

It is also significant that under H.R. 4249, these Attorney General suits must be brought in three-judge Federal district courts and that appeals would be directly to the U.S. Supreme Court. The bill also authorizes the court to issue temporary restraining orders and preliminary injunctions as well as other appropriate orders. The procedures for the granting of temporary relief is spelled

out in detail in title 28 of the United States Code, governing judicial procedures.

In brief, if the Attorney General makes an application for interlocutory relief, a single district judge may at any time grant a temporary restraining order to prevent irreparable damage. The temporary restraining order would remain in effect until the hearing before the full court takes place. Further, under the statute, the matter must be given precedence and assigned for a hearing at the earliest practicable date.

This procedure is expeditious and is designed to make certain that while the court is considering a case, none of the parties will suffer irreparable harm. It is surely flexible enough to enable the Attorney General to act quickly to block the enforcement of discriminatory laws, even in a case where he did not learn of the discriminatory voting law until shortly before the election. By showing that the law would have a discriminatory effect and that irreparable harm would occur if the law was applied in the election; and in many cases these showings should not be difficult to make—he could obtain a temporary restraining order preventing application of the law.

The argument has been made that the advantages of this procedure are more theoretical than real because the Attorney General would not know when a discriminatory law was enacted. This is an unduly pessimistic estimate of the situation. The Attorney General has staff available which can and will check on voting laws which have been enacted. This would not be unduly burdensome, particularly with regard to State laws which are all officially printed and reported. In addition, the Attorney General hopefully would also receive complaints by private parties or organizations in the localities involved regarding allegedly discriminatory voting laws passed in those localities.

I think we have had ample evidence and ample experience in these civil rights cases, in civil rights fields, where the private parties have all kinds of organizations that take their part and are extremely watchful of what is going on, with respect to something that might be in derogation of their civil rights. So that I do not think we will have any problem in getting the information to the Attorney General if laws are enacted which some people may think are discriminatory in the voting field.

To be sure, the Attorney General using these techniques will not know of every discriminatory law that has been passed. But, the procedures under the present section 5 have not been effective either in assuring that all discriminatory voting laws are brought to the attention of the Attorney General. So I do not think this cuts much ice one way or the other, whether it is this act we are considering, H.R. 4249, or an extension of the law that is now on the books, which has been proposed by the Scott amendment.

I have stated at some length my reasons for supporting H.R. 4249. I am convinced that this bill would be a major step toward assuring to all our citizens the right to vote.

One thing it certainly would assure—and I think it is high time we did this—would be that we would have a voting rights law that would apply to the entire Nation, instead of zeroing in on just a few States in one part of the country. As I said earlier, it certainly is not in keeping with the spirit of this country, it is not American, and I think we ought to rectify this now, 5 years after we enacted this law in the first place.

I urge support of this measure. I intend to vote for it. I think it deserves to be passed.

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

Mr. GURNEY. I yield to my distinguished colleague from Florida.

Mr. HOLLAND. I want to commend my distinguished junior colleague for his statement and for his position in this matter. I, too, greatly prefer the bill as it came over from committee to the floor than the amendment now offered, and I hope that the bill will prevail. I approve of the argument made by my distinguished colleague in this matter.

The measure offered by the distinguished minority leader and others seems to perpetuate a situation which is not only unfair but somewhat humiliating to several States and continues to remedy that which, if it was any good at all, has already done all the good it can do.

I am prepared to believe that it did some good, although as I remarked on the floor of the Senate yesterday, or the day before, almost as much good has been done by way of increased registration of minority residents in our State, in Virginia, and in other States not covered by the 1965 bill, as has occurred in States that were covered, because as the spirit of change keeps going in the country, as well as the educational processes and active efforts to get voters to register, we find that the situation has changed in every way during the life of the bill. I see no excuse at all for continuance or extension of the original act.

I hope that the Senator and others, including myself, may be successful in helping to enact the bill as supported by the committee and as it came over from the House.

I thank my colleague from Florida for yielding to me and again I commend him for his logical and well-stated remarks. I hope that he will prevail in his fight.

Mr. DOLE. Mr. President, will the Senator from Florida yield for a few questions?

Mr. GURNEY. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Is it not a fact that under the existing Voting Rights Act, the act now in effect, the Attorney General can only send Federal voting observers and registrars into States that are covered by the act's formula?

Mr. GURNEY. That is right.

Mr. DOLE. That means registrars and observers can only be sent into six States and 40 counties of two other States.

Mr. GURNEY. The Senator is eminently correct.

Mr. DOLE (Mr. BYRD of Virginia in the chair). I would also state that this authority, as I understand it, from statements made on both sides of the aisle, one of the most successful features of the 1965 act.

Mr. GURNEY. That is certainly correct, because as a matter of fact, it is a point that I was bringing out earlier in debate the day before yesterday; that the report which we have here accompanying the bill has some interesting statistics, on page 4, which show what a dramatic increase has taken place in the number of black voters who have been registered under the act in the seven States involved.

In fact, there is a single State where better than one-half—and in some cases almost 62 percent of Negroes—are now registered to vote. The interesting thing about that is that these statistics were taken 2 years ago, in the spring-summer of 1968, and there have been two more intervening years, of course, where I am sure, now, if we had accurate statistics—which we do not have—the percentages would be even greater than they are now. So, as the Senator has pointed out, indeed, the Voting Rights Act has worked.

Mr. DOLE (Mr. CRANSTON in the chair). If this power to send a registrar or observer has been so effective, it seems logical that the Attorney General should be able to send Federal observers and national observers anywhere in the Nation. I might add, the Senator knows that I come from a State not presently covered by the Voting Rights Act; but I would say, in fairness to all the States that if this act has been as effective as demonstrated by figures the Senator cites, why should not the Attorney General have this authority on a nationwide rather than a regional basis?

Mr. GURNEY. The point made by the distinguished Senator from Kansas is eminently correct. That is the way I feel about it, too. If this thing has worked so well, why do we not apply it to all the 50 States instead of just to seven? Let us bring in the other 43 as well. I might point out, along the same lines, that the law has had effect even in a State where it does not apply, such as in Florida, in portions of Florida which were similar to the States involved here, in that very few Negroes had registered to vote. But our experience has been—and my able senior colleague from Florida, if he were here, would corroborate this, I know—that we have had a marked increase in the registering of Negro voters all throughout the States of Florida, in those portions of Florida that are in, say, the Deep South, which border Georgia and Alabama. So we have had the same experience of a dramatic increase in Negro registration even without the application of this act.

The situation in the country today is changing. There is good will in this matter. My point is, all right, it has occurred. We have had 5 years of it now, so why castigate seven States for another 5 years when the evidence is that this will work?

Mr. DOLE. It appears to me that if voting discrimination or irregularities exist during registration and in the polling stations in one part of the country, whether South, East, North, or West, is it not reasonable to assume that such discrimination or irregularities exist, to

a varying degree, in other parts of the country as well? We fail to face up to the issue if we say that it exists only in five or six or parts of seven States. I am certain that the Senator has stated his feelings on this one issue but I believe we can find discrimination or voting irregularities to varying degrees in probably every State in the Union.

Mr. GURNEY. We certainly know that the Senator is correct about that. In every election we have, there are evidences of voting irregularities and voting frauds. I think that is just as true in the North, where there is political control in tight hands, and a very strong political control. That extends on voting day, and lots of times people vote who should not vote, and people do not vote who should vote. So if we extend this law to other parts of the country, the Senator's point is, and I agree with it, that it will be useful in other parts of the country to eliminate discrimination in voting.

Mr. DOLE. Mr. President, it appears to me that we all recognize how effective this power has been used by the Attorney General in certain parts of the country. We should also recognize that there is discrimination or voting irregularities in other areas in America, and if there is such an effective provision, why should it not be nationwide?

I cannot understand the arguments of some who say, "Let us apply it to the same area. Let us not make it nationwide."

It appears to me that if we are truly concerned about voting equality and voting rights in America, we should adopt an American strategy with the most effective weapon possible. This has been a very effective provision.

Mr. GURNEY. I agree with the Senator from Kansas. He makes the point very well.

Mr. DOLE. I would also like to know whether the junior Senator from Florida has heard the argument that if we let the courts enforce voting rights, the Attorney General would become involved in burdensome, unending lawsuits which would be ineffective. I am a lawyer, as the distinguished Senator is, and if a Federal court is empowered to issue an injunction or restraining order, is it not a fact that such injunction or restraining order only requires such proof as an affidavit to be granted, and there is no burdensome lawsuit or endless litigation involved.

Mr. GURNEY. That is something I pointed out in the argument, that even under the evidence of years ago, by a simple procedure, the Attorney General can get into this business through the Federal court and immediately grant relief, so that it is not the burden at all the opposition is trying to make of it.

Mr. DOLE. Mr. President, I would share that view; only if we can obtain a temporary injunction very quickly, can we have relief. If a person is going to vote today, he needs relief today.

I cannot understand the logic of those who argue that we will get into unending litigation. I do not happen to believe that is the way our system works.

Mr. GURNEY. Mr. President, it is not any argument at all. What it is really saying is that if we have a lot of evil around, we should take care of the evil in a few States and ignore it in the rest of the States because we cannot take care of it all. If that is the actual case, then we had better put additional personnel in the Justice Department to do the job.

It is a very interesting thing that the same argument was used the other day with regard to the school situation. The same people were making the same argument. They said, "Let us not get the de facto segregation into this measure. If we do that, we will have problems all over the United States and we will not be able to take care of the problems in the South; we will have to take care of some problems in the North."

I do not buy that argument at all. If we have injustice or, in this case voting irregularities in other States, then we should put the necessary machinery into operation to take care of those injustices, rather than taking care of them in a small area and saying that we had better not take on more problems or we will not be able to take care of them.

That argument is fallacious and un-American. I do not listen to it.

Mr. DOLE. Mr. President, as I understand it, in H.R. 4249, passed by the House, there is much broader power because in that act the Attorney General can bring a lawsuit on the basis of the case being discriminatory in either "purpose or effect."

This appears to me to be a much broader power than existed prior to the 1965 act or exists under the present act. So again, we can strengthen the hand of the Attorney General to assure voting rights and voting equality, but do it on a national basis. And as the Senator has just said, it is time that we bring the South back into the Union and make voting a national policy and not a regional or Southern policy.

I believe there is discrimination or that voting irregularities occur in almost every area of America. We may not detect it or want to recognize it, but it is there. Why not have a Voting Rights Act that is meaningful and on a nationwide basis?

Mr. GURNEY. I agree. That is the argument I was making. That is the basis on which we should proceed and hopefully enact a national law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I urge passage of the bill H.R. 4249, entitled "The Voting Rights Act Amendments of 1969."

The 15th amendment guarantees that every citizen shall have the right to vote without regard to his race or color. The Congress sought to implement this guarantee by passing the Voting Rights Act of 1965. Under this act, administrative procedures were established to assure nondiscrimination in the electoral process. These procedures were applied in six southern States and in about 40 other counties.

I supported the 1965 act in the House of Representatives with the hope we would make it possible for a greater percent of our citizens to vote. That has been acomplished. More than 800,000 nonwhite voters have been registered in the States and counties covered by the act. More than 50 percent of the eligible nonwhite voters are now registered in every Southern State.

In my State of Kansas, we do not require a literacy test and, therefore, have not been affected by the Voting Rights Act of 1965.

But, I am deeply concerned that a greater percent of our citizens do not participate in the most meaningful aspect of self-government, that of exercising their right to vote. Our form of government cannot function without the participation of all our citizens. Many who complain about our laws and those who govern are the same individuals who don't think it important that they cast their ballot on election day. In the 1968 presidential election, 63.6 percent of qualified voters in Kansas actually voted. This was higher than the national average of 61 percent, but is still a sad commentary on both the motivation of our citizens and the effectiveness of our electoral system. We must not only motivate people but make it possible for them to exercise their right to vote. H.R. 4249 can help us achieve these goals.

BILL CONTAINS THREE PARTS

The bill contains three essential portions: Literacy test ban, residency voting, and enforcement. I will discuss each separately, but first let me emphasize that the Senate is not debating a 5-year extension of the Voting Rights Act. The Voting Rights Act of 1965 consists of 19 sections; 17 sections are permanent legislation; two sections become inoperative on August 5, 1970. The Senate is really debating the extension of sections 4 and 5 of the present Voting Rights Act. Without any further action by Congress, the other 17 sections will remain operative, fully, and permanently.

First, the bill would ban the use of literacy tests in all States until at least January 1, 1974. Literacy tests have the necessary effect of keeping from the polls those persons, both Negro and whites, who have been discriminated against in the past, persons who are poor, persons who have received inferior education.

With the development of television and radio as mass media, a person no longer must know how to read and write in order to be familiar with national issues, and to vote intelligently in an election. It is my firm belief that every citizen of sound mind who has not been convicted of a felony should be encouraged to participate in the electoral process.

In his July 11, 1969, statement to the Senate Constitutional Rights Subcommittee, Attorney General Mitchell discussed the decision of the Supreme Court in *Gaston County* v. *United States*, 395 U.S. 285 (1969). I heard the Senator from North Carolina (Mr. ERVIN) discuss that case at some length on the floor a couple of days ago. In that case, the Court found that any literacy test has a discriminatory effect if the State or county has offered not only education which is separate in law, but education which is inferior in fact to its Negro citizens. The Attorney General stated, and I agree, that the underlying rationale which formed the basis of that decision applies equally in the States of

the North and West which have literacy tests. Thousands of adult Negroes now living in those States were not afforded equal educational opportunity in the Southern States. It does not seem reasonable that persons suffering from a deficient education should be treated differently merely because they did not remain a resident of one of the six Southern States covered by the present act.

H.R. 4249 would create a Commission to study and report in 1973 on all aspects of voting rights. The 1974 time limit on the literacy test ban is tied to the reporting date of this Commission. Following that report, the Congress would have 1 year to examine the recommendations of the Commission and enact a permanent and comprehensive act.

The literacy test ban which H.R. 4249 contains is an essential piece of legislation that needs to be added to the voting rights arsenal.

SECOND PROVISION

Second, H.R. 4249 would bar the imposition of residency requirements in presidential elections. Our citizens move freely from one State to another. Estimates are that in 1968, 5½ million people could not vote for President because they failed to meet local residency requirements. Although we have relatively liberal State and local residence requirements in Kansas, as least 17,556 citizens were disqualified from voting for President and Vice President in 1968. This is an unfair and senseless denial of the franchise. A residency requirement for the election for President is not necessary since the issues in the election are nationwide in scope, and citizens, in whatever State they live, have an opportunity to familiarize themselves with these issues. We should give all our citizens an opportunity to vote for the man they choose to lead the country.

In testimony on this bill, David Norman, Deputy Assistant Attorney General for Civil Rights, said:

The basic theory of the equal protection clause of the 14th amendment is that the states, in regulating human conduct, may distinguish between classes or groups of persons only if the classification is reasonable, that is, if it is reasonably related to a legitimate objective of the state. Moreover, classifications which restrict the all-important right to vote must be the narrowest possible and in furtherance only of a compelling state interest. The classification we deal with here is sharply, although varyingly, drawn under state law—those who have resided in our state for X period of time may vote for President and Vice President; those who have not, may not. Is that a reasonable classification? Perhaps when our country was predominantly rural, when transportation and communication were not well developed, and there was relatively little movement of citizens, some uniform, short limitation might have been reasonable. We think, however, that such a classification is no longer reasonable, and that it is proper for Congress to make such a finding.

Mr. President, last year I joined with 32 Senators in the introduction of Senate Joint Resolution 59, a constitutional amendment to enhance the right of citizens to vote for the President and Vice President without excessive residence requirements. I am gratified that the Senator from Pennsylvania (Mr. SCOTT) has broadened the substitute amendment now pending before the Senate to include the entire text of Senate Joint Resolution 59. Incorporation of Senate Joint Resolution 59 in whatever form the voting rights bill passes the Senate will completely abolish the durational residency requirement as a precondition to voting for President and Vice President. It will also clearly establish the right of citizens to register absentee and to vote by absentee ballot for such officers.

THIRD PROVISION

Finally, H.R. 4249 contains a number of enforcement provisions. It would give the Attorney General authority, nationwide in scope, to dispatch voting examiners and observers. The Attorney General would also have nationwide authority to bring lawsuits to prevent the implementation of discriminatory voting laws. At the present time, this authority is limited to the States and counties covered by the 1965 act. The extension of these powers will in no way diminish the Government's power to act in the States presently covered by the 1965 act, but will instead permit similar actions across the Nation.

SECTION 4 AND 5 OF THE 1965 ACT

Much has been said about section 4 and section 5 of the present act, really the only sections in controversy because the original act had 19 sections and 17 of those 19 sections are permanent law. Section 4 triggers section 5 and applies to those States with literacy tests where less than 50 percent of the voting age population was registered or less than 50 percent voted in the 1964 presidential election. Section 5 requires preclearance by the Attorney General or the District of Columbia Federal courts for any change in voting laws in the State covered by section 4.

Sections 4 and 5 are aimed at a few rather than all of the States. It is regional legislation based on a legal presumption of racial discrimination against a State because its voter turnout is lower than other States. To merely extend these sections, would ignore the tremendous progress made since 1965 in registering nonwhite voters.

Furthermore, it is the opinion of the Attorney General and his staff that this provision has not been effective. The covered States often do not submit their voting changes, and those which are submitted often unnecessarily take attorneys' time from litigation. Too often the Civil Rights Division must pore over insignificant changes in the law—raising filing fees from $5 to $25 or opening the polls at different times—when this time could be better spent in court obtaining meaningful voting rights relief.

CONCLUSION

In conclusion on this point, I would like to quote from Justice Department testimony before the Constitutional Rights Subcommittee. First:

A most important aspect of the original section 5 is carried forward in the new section 5. Until the enactment of the Voting Rights Act of 1965, it was quite widely assumed that attacks against State legislation as being in violation of the 15th amendment necessitated proof that the purpose of the legislation was racially discriminatory. Section 5 made it very clear that such legislation could be attacked by showing that the effect would be discriminatory. No longer do we have to search cryptic legislative journals to ascertain law-makers' intent. That very important principle is carried forward in section 5 of the proposed legislation.

Secondly, section 3(c), which remains unchanged, has been all but forgotten. It provides essentially that in any suit brought by the Attorney General to enforce the 15th amendment in any State or political subdivision, where the court finds violations of the 15th amendment justifying judicial relief, the court retains jurisdiction and during that period no new voting change can be adopted without approval either by the court or the Attorney General holding that the voting change does not have the purpose or effect of discrimination. Thus, the submission and approval feature of old section 5 can be triggered anywhere in the Nation by the institution of a lawsuit to enforce the 15th amendment.

The progress under the 1965 act has been significant. No one wants to undo these steps forward. However, times change and solutions which are commendable at one time are inadequate at others. The 1965 act is such a case. H.R. 4249 would build on our experiences of the past 5 years in the South; it would consolidate our gains in voting rights in that area, while extending to the Nation at large the benefits of the 1965 act.

As stated at the outset, I support H.R. 4249. I voted for the Voting Rights Act of 1965 as a Member of the House of Representatives. I agree with the intent of H.R. 4249, to apply the law now on a nationwide basis, and to give the Attorney General the power he needs on a nationwide basis.

I urge Senators to act favorably on H.R. 4249. It has passed the other body already. We must now speed the measure to the President for his signature.

I might add, for those Senators who did not have an opportunity to read the report of the House, that particular attention should be given to the views of Representative RICHARD H. POFF in a very well-reasoned statement with respect to the Voting Rights Act of 1965. He gives the reasons for agreeing to the substitute on the House side. I might say that this honorable Member of the other body is well respected, and highly regarded as one of the best constitutional lawyers in America. He sets forth some very compelling reasons why now, after 5 years, after the experience we have had, after the gains we have made in a regional area of America we should now apply the Voting Rights Act of 1965 on a nationwide basis.

I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. KENNEDY obtained the floor.

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

Mr. KENNEDY. I yield.

Mr. HART. Mr. President, what is the pending question? May I suggest it is on the substitute motion?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment in the nature of a substitute.

Mr. HART. If there are no further comments, we are prepared to vote.

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

Mr. GURNEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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 ask for a vote.

The PRESIDING OFFICER. The question is on the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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 ask for a vote.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary to France, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 527) relating to the enrollment of the bill H.R. 13300, in which it requested the concurrence of the Senate.

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.

Mr. HANSEN. Mr. President, I recognize that Senators have been giving very studied consideration to the voting right bill—H.R. 4249—as passed by the House of Representatives.

The pending question, if I am not mistaken, is on the amendment offered by the distinguished Senator from Pennsylvania in the nature of a substitute; am I correct about that?

The PRESIDING OFFICER. That is correct.

Mr. HANSEN. In the light of the pending question, it seems appropriate for me once more to call the attention of Senators to the observations which were made by the Honorable RICHARD H. POFF, of Virginia, in his separate views included in the House report. I think it will be apparent, to all who will listen and study objectively, that the situation that confronted this country in 1964 no longer applies. Mr. POFF said:

A government of the people cannot function for the people unless it is a government by the people. There is no such thing as self-government if those subject to the law do not participate in the process by which those laws are made. Only a few are privileged to participate directly in the physical mechanics of the lawmaking process, and these are those chosen as representatives by their fellows. For all others, the opportunity for participation, and therefore the essence of the concept of self-government, is the right to cast a ballot to choose those who make the laws. If this opportunity is denied any qualified citizen, then he is not self-governed.

The 15th amendment to the Constitution says:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

That is pretty plain language. It is the supreme law of the land. It applies to citizens of the United States. It applies to action by the United States. And it applies to action by "any State." Moreover, the second section of the 15th amendment says:

"The Congress shall have power to enforce this article by appropriate legislation."

There may be some dispute about what legislation is "appropriate," but there can be no valid dispute about the power of Congress to legislate.

The principal legislation chosen by the Congress was the Voting Rights Act of 1965. The courts have declared that legislation constitutional. Some judges may dissent. Some legal scholars may disagree. Some legislators may protest. But to argue now that the Voting Rights Act is unconstitutional is nothing more than a mental calisthenic.

Congress is now debating what is called a 5-year extension of the Voting Rights Act. That is a misnomer. The Voting Rights Act of 1956 consists of 19 sections; 17 of these are permanent legislation; two sections "expire," or more accurately, become inoperative on August 5, 1970. What Congress is really debating is the extension of sections 4 and 5 of the Voting Rights Act. Without any further action by Congress, the other 17 sections will remain operative, fully and indefinitely.

To evaluate the need for extension of the temporary sections, it is necessary to understand the content of the permanent sections of the law. Under the permanent provisions of the Voting Rights Act:

(1) 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;

(2) In such suit, the court is empowered to suspend the use of literacy tests "for such period as it deems necessary";

(3) 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;

(4) 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;

(5) No State may enforce a literacy test with respect to a registrant who has completed the 6th grade in a non-English-speaking school;

(6) 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 altering ballots or official records; and

(7) 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.

With respect to these provisions of the Voting Rights Act of 1965, (together with the administrative, procedural, jurisdictional, and enforcement provisions) two facts should be remembered: (1) *all are permanent law*, and (2) *all apply to all jurisdictions in all 50 States.*

Only two provisions apply to less than all the States. Only two are subject to the 5-year extension in the committee bill. These are sections 4 and 5.

Section 4 "triggers" section 5. Section 4 applies to those States with literacy tests where less than 50 percent of the voting age population was registered or less than 50 percent voted in the 1964 presidential election. The arithmetical formula also covers individual counties in States with literacy tests, even when statewide figures are higher than 50 percent.

Section 5 provides that any State covered by section 4 cannot implement any new voting law enacted by its legislature until it has either (1) brought a suit in the district court for the District of Columbia and proved that the new law does not have the purpose or effect of racial discrimination, or (2) submitted the new law to the Attorney General of the United States and persuaded him for a period of 60 days not to interpose an objection.

In a footnote to my separate views, I have reproduced a portion of the Republican views appended to the majority report of the committee in 1965. This excerpt is addressed to sections 4 and 5 of what was then called the committee-Celler bill which later became the text of the Voting Rights Act.

The committee concedes that sections 4 and 5 are aimed at a few rather than all of the States. The courts have ruled that such geographical selectivity is within the constitutional power of Congress. Only one question remains: "Is it wise for Congress to exercise that power for another 5 years?"

I say that it is unwise. A law which raises a legal presumption of racial voter discrimination against a State at large because its voter turnout is lower than other States is unwise. A law which bases such presumption on election returns 5 years old and ignores the progress made since then is more a penalty than a reward. A Federal law which raises a presumption of illegality against a law newly enacted by a State legislature and suspends its operation until the State comes to the Attorney General or a Federal court and proves its legality offends State sovereignty. Whatever regionalizes this country

divides this country and impairs our unique federal system, and that is unwise.

The words of Mr. Justice Black, dissenting in the case of *South Carolina* v. *Katzenbach*, 383 U.S. 301, 358, explain why:

"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 cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat Federal authorities in faraway 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. 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."

In a poignant footnote to his opinion, Mr. Justice Black compared section 5 with the practices used by the English Crown in its dealings with the American Colonies. Some of those practices were detailed in the Declaration of Independence which protested that the King "has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures * * *"

Section 4 and 5 are mischievous because in their application they are promiscuous. They cover some States and counties which are innocent and fail to cover some which are guilty. My own State of Virginia, which sorrowfully has not always been innocent of racial discrimination, has not in modern times been guilty of racial discrimination in voting. I quote from volume I, page 102 of the 1961 report of the U.S. Civil Rights Commission:

"The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States; Arkansas, Oklahoma, Texas, and Virginia.

"In three States—Louisiana (where there is substantial discrimination), Florida (where there is some), and Virginia (where there appears to be none)—official statistics are compiled on the State level by county and by race."

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.

"In such case," we are asked, "why does Virginia not bring a lawsuit under the escape clause mechanism of section 4 and escape coverage of section 5?" The answer is obvious. Every lawyer knows that it is practically impossible to marshal the evidence to prove an absolute negative. The burden is particularly onerous when the negative is "not guilty." For Virginia to succeed under the escape clause would require probative evidence, both verbal and written, from 765 general and precinct registrars in 2,031 precincts throughout the State. Such evidence would have to be marshaled for every precinct in every election, National, State, and local, both general and primary, conducted during the 5-year period preceding the institution of the lawsuit. And with respect to each precinct in each election, the evidence required would be that quantum of evidence necessary to establish a prima facie case that: (1) incidents of discrimination have been "few in number," (2) that they have been "promptly and effectively" corrected, (3) that "the continuing effect * * * has been eliminated" and (4) that "there is no reasonable probability of their recurrence in the future." That is tantamount to requiring the accused to prove both past innocence and future innocence.

The next question that follows is, "If Virginia is free of racial discrimination in voting, then what does Virginia have to fear from an additional 5 years of coverage under section 5 of the Voting Rights Act?" The answer is a little difficult to articulate. Virginia is not so much a State as a state of mind. Virginians are independent. Virginians are proud. Virginians are shamed by the status unfairly thrust upon them by a Federal law which, in the face of all the evidence to the contrary, presumes our State to be guilty. And finally, it is offensive to Virginians to think that Virginia, where the first democratic legislature in the New World was convened, whose sons contributed so much to the deeds and documents of independence and union, should be foreclosed from amending her own Constitution and laws without the prior permission of a Federal official or a Federal court.

My plea is for my State. I plead, too, for our sister States. Progress in voter registration and voter participation, even if only under the lash of this law, has been dramatic. It should be rewarded, not penalized.

I do not ask that the Voting Rights Act of 1965 be repealed. Its permanent provisions should remain so long as there remains any reasonable prospect that any citizen may be denied on account of his race the full right or effect of his vote. I ask only that the law be made to apply to all States, with neither preference nor prejudice toward any.

National application can be achieved in either of two ways: (1) by permitting the artificial, arithmetic "trigger" to expire as present law provides on August 5, 1970, or (2) by amending the present law as recommended by President Nixon.

That concludes the statement by RICHARD H. POFF.

Mr. DOLE. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. DOLE. I referred to the statement of the illustrious Representative from Virginia, Mr. POFF, in my statement, and emphasize, as the Senator from Wyoming has done, that it is a profound statement and one of the best available concerning the Voting Rights Act.

Representative POFF is recognized nationally as one of the most able lawyers in Congress and one of the most effective and fairminded Members of Congress.

He points out, as stated earlier, that we are not concerned with a simple extension of the Voting Rights Act of 1965. There are 19 sections in the Voting Rights Act as passed in 1965. Seventeen of the 19 are permanent law. What we are discussing, if we are frank and candid about it, are two sections, 4 and 5, which would expire in August unless—become inoperative in August—unless extended. It seems that in discussing extension of the 1965 Voting Rights Act, it is at least a misnomer.

We are in fact concerned with two sections plus additional new provisions which nearly everyone is in accord with. As I said earlier, coming from a State which has no literacy test requirement, which has rather liberal voting requirements, the State of Kansas, I see no harm in sections 4 and 5 becoming applicable to all States. Why should it not be nationwide? Why should only one region, whether it be the South, North, East, or West, be singled out?

The Senator has expressed his views. I agree with the statement made by Representative POFF and others in this body that, if these provisions have been effective, if the Attorney General can send observers and investigators into certain areas to discover voting frauds or slowdowns at the polling places, or whatever, then we should have this same opportunity in all the States, not just one geographic region.

Mr. HANSEN. I agree completely, wholeheartedly, and enthusiastically with my good friend from Kansas. I think his points are valid. I see no reason at all not to expand the application of a good law so as to make it nationwide in its applicability. I think that is precisely the point that Representative POFF has made.

Also fault can be found—and it is a serious fault and error, in my judgment, that sections 4 and 5 are extended so that it does not take into account what was done in 1968 and the progress that was made by the States which were singled out for special attention by the executive branch and by the courts with the passage of the Voting Rights Act of 1965.

If we are going to be fair, let us also be realistic. How can we be realistic if we refer back to how people happened to vote, or how they failed to vote, in 1964 when we are now almost 6 years beyond that time? Would not my good friend from Kansas agree with that statement?

Mr. DOLE (Mr. GURNEY in the chair). I agree. I would point out again that there are 19 sections in the Voting Rights Act of 1965, which I voted for as a Member of the House. It seems strange that we can apply 17 of the 19 sections to all the States in the Nation and apply only two sections, 4 and 5, to only six States. If 17 of the 19 sections are good enough for the entire country then sections 4 and 5 should also apply to the entire country.

I do not say this as one who opposes voting rights. I voted for the 1965 act and supported it on the House floor. But it seems that if we are concerned about equality and the right to vote, as pointed out before, that means that people must have the right and must be motivated first to vote. In my State, for instance,

about 64 percent of the people voted for President in 1968. The national average was about 61 percent. That is not high enough, in my opinion, but if we are really serious about voting rights for all, rich and poor, black and white, why should the law not apply to all the citizens, in all States, in America? Why should we single out one region in the country? Why should there be a southern strategy on the Senate floor to make this act apply to one portion of the country?

Mr. HANSEN. I could not agree more with my distinguished colleague from Kansas. I think the law should be applied in that fashion. It occurs to me that the action this body took only recently, when we were debating the Labor and HEW appropriation bill with amendments that were tied to it, that this body did go on record, quite convincingly, and certainly, so far as I was concerned, persuasively, in seeing that the laws of the land should be applied uniformly.

I think the problem could be illustrated in areas such as the counties—and most certainly the precincts in a good many of the Northern States that do not approach, right today, the registration and the voting record that has been accomplished in the States singled out by the 1965 act. Yet, under the substitute amendment, unless the Attorney General wants to exercise a special initiative and go in and make an examination, I should say—he would not have his attention directed to those areas where the need might be greatest. Is that not the same conclusion reached by my distinguished colleague from Kansas?

Mr. DOLE. I would say further to the point that perhaps may be bothering some, the statement made that by enactment of H.R. 4249, which passed the other body, we will become bogged down in endless litigation and burdensome lawsuits I would point out that section 5 of H.R. 4249 clearly describes what the Attorney General may do and when he may do it. It permits the Attorney General to go to court and obtain a temporary injunction. That can be done quickly and an injunction secured by an affidavit. There is nothing burdensome about this. It must be done quickly in order to protect the voters' right to vote.

I would say that every citizen in America, because of communication, of television, no longer must be able to read in order to vote intelligently. If he is a citizen and competent and has not been convicted of a felony, he should have that right.

As the Senator from Wyoming has stated so well, the law should be applied on an even-handed basis. It should be applied the same throughout the country. I would say to some who talk about a southern strategy, that it appears that the only southern strategy here is to punish the South, despite great gains made in the Southern States since 1965. That might be strategy to some, but I feel it is discrimination against a very vital part of our country.

It is time that the South is brought back into the Union on a de facto as well as a de jure basis but, above all, there can be no harm in applying this law to all States.

There have been almost 1 million new nonwhite registrants in the covered States. I assume that in almost every State of the Union there is discrimination. It may vary by degree, but it is there. It may happen in my State of Kansas. It may happen in the State of Wyoming or in any other State.

We should recognize this and accept the full import of the law. To those who say, making it apply nationwide would be watering down the law, I must disagree.

Mr. HANSEN. Mr. President, my State of Wyoming is one of the 12, I believe, that still has on its statute books a provision that a requisite to the right to vote shall be the ability to read the Constitution of the United States. I happen to think that is a wise provision. I happen to be one of a number of people who believe that unless a person is able to read and understands what he sees in print before him, he cannot make the reasoned judgments that are required fully to discharge the responsibilities and obligations of good citizenship.

I say that because I know, as every other Senator knows, that from time to time in addition to the responsibilities of selecting from the candidates those whom we choose to have represent us, there is the added burden and responsibility of voting on constitutional amendments. And how anyone could assume that a person who is unable to read could make an intelligent decision upon a constitutional amendment in a proposal before him is beyond me.

Nevertheless, I know that the courts have struck this provision down. They have said, in effect, that the right to vote shall not be denied because of the inability to read the English language.

I am willing to go along, as all good citizens should, with what the court says. I recognize that we do have a better informed electorate because of additional sources of news now available to the people of this country than we had when newspapers alone were the only way by which we could garner ideas and different points of view. However, through radio and television, I can easily understand that a lot of people, though they may be neither able to read nor write, can have some comprehension of what a particular candidate stands for and what he would try to push for were he elected to the job to which he aspires.

I can understand that. I hope the time is not too far distant when such a provision as Wyoming has on its books now will have no further relevance.

I hope the time will soon be at hand when all of our citizens who are educable will be able to read.

When that happy day comes, we should make better judgments on the complicated and important issues before us than we are at the present time.

Mr. DOLE. Mr. President, as the Senator just said, Wyoming is one of the States which would be affected in the event the scope of the bill were broadened.

I point out again, as earlier, that in section 5 of the Voting Rights Act, H.R. 4249, would give the Attorney General adequate power.

It might be well to read that. It reads:

> SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting which has the purpose or effect—

Which is broader than the 1965 act—

> of denying or abridging the right to vote on account of race or color, 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 of a preliminary or permanent injunction, or such other order as he deems appropriate.

In other words, if there is any evidence, if the Attorney General has any evidence, that any State or political subdivision thereof—whether town, county, or precinct—has enacted or is about to enact some proposal, some standard, or some procedure which might deprive persons of the right to vote, or even have the purpose or effect of denying them of the right to vote or abridge that right on account of race or color, then he goes to the district court in that district, choose that area, and simply by affidavit obtains a preliminary injunction or restraining order.

I think that is adequate protection. I have no doubt about it. The present Attorney General is committed to voting rights and equality for all. And I would hope that in our haste we do not pass regional legislation. To be fair and objective I hope that we would look this section over very carefully.

It is in some respects broader than the present act and broader than any other act.

Mr. HANSEN. Mr. President, I should like to ask my distinguished friend, the Senator from Kansas, who is himself a lawyer, what inference might reasonably be drawn from the provision in the Voting Rights Act of 1965 which orders and directs that certain proposed changes in laws must be submitted to a Federal court within the District of Columbia.

If I am not incorrect, it is my understanding that before any of these States which have been singled out for attention under that law can change in any respect any part of any voting rights legislation they have on their statute books, they must either get permission prior thereto from the Attorney General of the United States or must have taken their case or their proposal to a Federal district judge within the District of Columbia.

It seems to me strange indeed that the Federal courts within the District of Columbia should be the only place wherein a State might submit a proposal to change its voting laws. What is the reaction of the Senator from Kansas to that provision of the law?

Mr. DOLE. Mr. President, that is one provision that I disagreed with in the House. But I still voted for the Voting Rights Act. It goes a long way toward destroying State sovereignty.

The best statement made on the matter is the statement contained in the report of Representative POFF, taken from the case of South Carolina against Katz-

enbach, which quotes the words of Justice Black.

He says:

> 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.

There is no doubt in my mind that this one provision certainly does offend State sovereignty. I think it also at the time was a legislative recognition that Federal courts in some States will not be objective or fair. And by legislative fiat we provided that they must come to a district court in the District of Columbia.

Mr. HANSEN. Mr. President, will the Senator yield for a question at that point?

Mr. DOLE. I yield.

Mr. HANSEN. Why did the law spell out District of Columbia courts?

Mr. DOLE. I have my own ideas. I happen to have faith in Federal district judges, whether they live in South Carolina, Kansas, or whether they reside in the District of Columbia. I do not think all of the judicial knowledge is vested in the District of Columbia. In fact, in some areas I doubt that much is vested here at all.

Mr. HANSEN. Is there reason to believe that the Federal district court in Alabama or Alaska would be any less competent to rule upon the desirability or legality of a proposed change in a voting rights law than would be the case with a court in the District of Columbia?

Mr. DOLE. Well, I would say very frankly at the time there was a feeling that there was a pattern of discrimination in certain States that might extend all the way from the voter to the judge and, perhaps there might be some bias even on the court. However, there has been progress in 5 years.

Certainly not everyone is now free of discrimination in these six States and 40 counties. I am saying there are varying degrees of discrimination in many areas of America and not just in six States and 40 counties.

Under the present act, there is continuing jurisdiction, in that Federal courts would respond. If a State or political subdivision wants to raise the filing fee from $5 to $25, which is one example cited, this should be permitted without a Federal court decree or the opinion of the Attorney General.

Mr. HANSEN. Would it not be true at that point that the same requirement would apply although the proposal by the States was to lower the filing fee? It has been contended by some that if the filing fee for an office is increased significantly, in the eyes of some exorbitantly, it would shut out a number of persons otherwise qualified who might serve their people and the country and keep them from running for a particular office.

But as I understand this particular provision, it would apply equally as prohibitive although the proposal might be to lower the amount of the fee.

Am I correct about that?

Mr. DOLE. It would have the same result in either event.

Mr. HANSEN. It would certainly be an affront to state sovereignty for any State to be called upon to submit to a Federal court or to the Attorney General a proposed change in an area as important as is the voting rights laws of the several States, before any changes could be made. Does this not fly in the face of our Federal system wherein we recognize considerable sovereignty among the States, and certainly included in that is the right of the States to make laws for the government of their own people?

Mr. DOLE. I would hope that is the case. I think Justice Black said in that same dissenting opinion that we were, in effect, by virtue of the statute enacted in 1965, this section treating States like conquered provinces, and that we did literally take away their right to respond. But at the same time I would add if there was an effort by a State to preclude a person because of race or color or to raise the filing fee to some exorbitant amount there should be relief. The same is true with respect to tests for voters, but there is that protection in H.R. 4249 to which I have just alluded.

I thank the Senator from Wyoming for taking the time to discuss in some detail the statement which Representative POFF made. Having served with Representative POFF for a number of years, he is, in my opinion, one of the outstanding lawyers in the country; on par with the distinguished senior Senator from North Carolina, a very outstanding lawyer, and completely fair and objective in what he does.

Mr. HANSEN. I thank the Senator.

Mr. ERVIN. Mr. President, will the distinguished Senator from Wyoming yield to me for two observations on the point he has been discussing without losing his right to the floor; and to that end I ask unanimous consent that he may be permitted to do so without losing his right to the floor.

Mr. HANSEN. I am happy to yield.

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

Mr. ERVIN. Mr. President, I wish to show by these observations how absurd and unjust the proposal is that the Voting Rights Act of 1965 be renewed in its present form.

My State of North Carolina is included in the condemnation of that act for the reason, among other things, that it has a literacy test embodied in its constitution which requires a person to be able to read and write the English language as a condition precedent to voting.

The North Carolina Legislature—and I might add, pursuant to a resolution introduced by a black member of the legislature—has submitted to the people of North Carolina a proposal that we amend our constitution and abolish our literacy test.

Now, if the people of North Carolina in the general election this fall were to vote in favor of the proposal to amend the constitution and abolish the North Carolina literacy test, the action of the people of North Carolina in abolishing the literacy test could not be effective under the Voting Rights Act of 1965, if renewed in its present form unless the Attorney General of the United States first rules that that action was not discriminatory in nature or unless North Carolina came up here to the District of Columbia and brought suit in the District Court for the District of Columbia and secured an adjudication to the effect that the abolition of the North Carolina literacy test was not discriminatory in nature.

I would like to make another observation. Even if North Carolina should abolish the literacy test by an amendment to its Constitution in the next general election, North Carolina, under the Voting Rights Act of 1965, having been condemned under the 1964 formula of the act, still would not be able to make any change in its election laws in the future without coming here to the District of Columbia and obtaining the approval of the Attorney General or the approval of the District Court for the District of Columbia.

Now, how any law could be more asinine than that I am totally incapable of comprehending. But that is exactly the way the Voting Rights Act of 1965, if renewed in its present form, would operate in respect to North Carolina. The theory of the act is that it is evil to have a literacy test; and yet if we were to abolish the literacy test, it could not become effective until such action is approved by the Attorney General in Washington or the District Court sitting in Washington. Even if we abolish it we still could not change an election law without getting that consent.

Mr. HANSEN. What the Senator is saying is that no matter how meritorious may be the legislative proposal enacted that comes out of legisaltive action with the stamp of approval by the Governor, if this act is extended, certain States still would have to go through the process that is so abhorrent to every proud citizen of every State. Is that right?

Mr. ERVIN. That is exactly right. That is the status North Carolina is in. On the other hand, the great Commonwealth of Massachusetts or the great State of Wyoming could abolish their literacy tests, and they would become effective immediately. That is a queer thing under any circumstances, but the most astonishing thing is that this inequality of the States is brought about by the championship of men who profess to believe, above all things in this universe, in the equality of rights for all men. But they do not believe in equality of rights for all States.

I thank the Senator for yielding.

Mr. HANSEN. I thank the Senator.

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

Mr. HANSEN. I am glad to yield.

Mr. GURNEY. It strikes me that one of the main issues we have before us in the extension of the Voting Rights Act of 1965 is a fact that has not been emphasized enough, and it should be emphasized at this particular time. Certainly, one of the main thrusts of the administration bill here, as passed in the House, and which we are now considering in the Senate, is applying equal

treatment, as far as voting rights are concerned, throughout all the Nation.

One of the great injustices, certainly, that was provoked in the enactment of the 1965 Voting Rights Act was the special treatment which was accorded to seven States and the counties in one particular State throughout the southern part of the country.

One thing the Chief Justice of the United States has emphasized again and again, and I think one of the fine things about this administration, is that in the enactment of legislation and also in the carrying out by the executive department of the laws that are on the books, is that there shall be equal treatment of the laws for all the people in the United States; that it shall apply equally to the North and the South, to the East and the West. Surely that is one of the main thrusts of the Voting Rights Act of 1965.

It gave special treatment to one section of the country. It was drawn to do that. I remember the hard and sometimes extended debate we had in the House of Representatives in 1965 on this measure. As a matter of fact, I do not think that any law that has been offered in the Congress since I have served here, now going on 8 years, produced as much ill feeling among Representatives and Senators as did the Voting Rights Act of 1965. The reason it did so was not so much that we were enacting a voting rights bill that had some provisions in it that would insure giving the voting franchise to people who had been, for one reason or another, prevented from exercising it. The ill feeling that was provoked was as a result of the manner in which it was done.

That was that the law was very carefully, very cleverly, in all the sense that the word "cleverly" means—and I think it might even be said almost maliciously in the intent of some—drafted so that it was zeroed in on a particular part of the country.

I did not vote for the Voting Rights Act of 1965, and I was not happy about the fact that I was not able to. Had the law applied in such a fashion that it would have taken the other 43 States into consideration the same as the seven in the South, I would have voted for it gladly, because I recognized that we needed the legislation. But it seems to me that it would be just as un-American to have discriminatory legislation of this sort aiming at the seven States as the discrimination that was alleged to have existed and was the reason for the enactment of the voting right bill in the first place.

I have never thought that in any legislation, for that matter, in any dealings between human beings, you ever accomplished too much if you adhere to the old biblical expression of "An eye for an eye and a tooth for a tooth." I do not think that promotes good relations between people or between areas. This is essentially what the Voting Rights Act of 1965 did insofar as it drew these special rules for this part of the country.

What it said was, "Well, there has been discrimination in a certain part of the country as far as voting rights are concerned. Therefore, we are going to discriminate against you when we correct this evil."

I do not think that has accomplished anything.

I might point out further that one of the things that is very difficult for me to understand in the consideration of this legislation is that we have evidence here—very real evidence—that a great deal has been accomplished in the years that have ensued since the enactment of the voting rights bill.

I will go specifically to the report to show, for example, that in Alabama—these are all States affected by the voting rights bill—only 19.3 percent of the Negroes in Alabama were registered prior to the enactment of the voting rights bill. That figure increased to 56.7 percent in 1968.

In Georgia the figure was 27.4 percent before the enactment of the voting rights bill of 1965. This figure is 56.1 percent for 1968.

The percentage in Louisiana was 31.6 percent. The figure for 1968 was 59.3 percent.

In Mississippi it was only 6.7 percent, but in 1968 it was 59.4 percent. There is the same dramatic increase in the new black registration. As a mater of fact, that figure for 1968 was the highest for any of seven States. There are more blacks on the voting rolls there than in any of the other six Southern States.

In North Carolina it was 46.8 percent. It increased to 55.3 percent in 1968.

In South Carolina the percentage was 37.3 percent. It increased to 50.8 percent.

In Virginia it was 38.3 percent. It increased to 58.4 percent.

But one of the interesting things about these figures is that they were registration figures taken during the spring and summer of 1968. Two years have gone by since then, and I am sure the record would show, if it were available—unfortunately, it is not—that the Negro registrations have probably increased appreciably over these figures here.

All this points to the fact, it seems to me, that the time is long past that we ought to single out this particular area for these special rules, because the evidence is there to show that progress has been made. New voters have been put upon the rolls. Not only that, of course, but we pick up the newspapers and almost every day we read of black people being elected as public leaders in their communities, on municipal governments, and on city councils. In Louisiana there is a black sheriff. Indeed, they are entering political and public life in all the States of the South.

Mr. HANSEN. If the Senator will permit an interruption, let me state that in our State of Wyoming the largest city is Cheyenne. In order that Senators might properly understand the significance of what I am about to say, let me say that little more than one-half of 1 percent of the population of Wyoming is black. Yet, despite that, the chief of police in our capital city happens to be a black man. He came from the East. He has been out there, I suspect—I am guessing—for perhaps 10 or 15 years. He was chosen by an all-white council and by a white mayor to serve in that extremely important post in Cheyenne, Wyo.

He was chosen, not because he was black, but because he was competent, because he was able, because he had a distinguished record in law enforcement, and because it was the unanimous conclusion and conviction of the city governing board and the mayor that he, better than any other man, could discharge those important duties and responsibilities.

I call attention to this fact because it ought not to go unnoticed, in my judgment, that there is not as much prejudice about the country as some people may think there is. There is no reason at all why the city of Cheyenne should choose a black to be its chief of police, but he was chosen. He was chosen because the Wyoming people are independent people. We call ourselves "The Equality State." He was chosen because the mayor and the city council wanted to have the best law enforcement job done that it could possibly get done; and they thought that Jim Byrd was a person capable of doing that sort of job.

He has served under Democratic and under Republican mayors. He was reappointed by two Republican mayors, having been first appointed, as I recall, by a Democratic mayor. He continues to serve, and continues to do an excellent job.

So, not only in the case of serving in roles of elective leadership, but as well in discharging important roles that come under the powers of the executive through the appointive process, black people are moving in and doing an excellent job in bringing about better government, which means so much toward achieving a better society in this country than we have had heretofore.

I just wanted to point that out to my good friend from Florida so that he might understand, perhaps better than he would otherwise have understood, something of the feeling of the people of Wyoming.

Mr. GURNEY. I congratulate the Senator on representing a State where the people feel that way. I agree with the Senator that this is a good example of the changing attitude throughout the United States of America. I wish I could bring to mind all of the similar instances in the State of Florida.

Florida, my home State, is of course quite unlike Wyoming. It is in some respects a Southern State. In fact, some parts of the State are as southern as any part of the country. Other parts are mixed.

I thing it is interesting, for example, that in Miami, which is the largest city in Florida, there presently is a Negro woman who serves as a member of the city council. In the city of Jacksonville, which is our second largest city and also the one that is deemed the most southern city in its traditions and its ways of life, being just across the border from Georgia, in its recent elections, as a result of the reorganization of the city government, there are now blacks who serve on the governing board of the city. Jacksonville, incidentally, is one of the largest cities in point of size in the country, because the city borders were re-

cently revised and the city now embraces what was formerly a whole county. Blacks are a part of the governing board of this very major city of Florida and of the United States.

I know there are other examples. I do not have them in mind at the moment. But this is what is happening in a Southern State, similar to what is occurring in the Senator's State of Wyoming.

I might also say that as far as registration of blacks is concerned, again I do not have the figures at my fingertips, but I know that the number of black voters in Florida has increased very materially in the last few years. As a matter of fact, in my own county of Orange, which is in the center part of the State, the largest number of black voter registrations in recent years occurred in the year 1964, which was 1 year before the Voting Rights Act of 1965. But it is a fact, and it does reflect the changing attitudes that are occurring in Florida.

I should like to ask the Senator, since he comes from a Western State, Wyoming, which is not affected by this Voting Rights Act of 1965, this question:

I represent a Southern State, Florida, which is not under the Voting Rights Act of 1965, either—I am talking, of course, about the special provisions in sections 4 and 5. I have no reluctance about extending those provisions, which now apply in seven Southern States, to all of the rest of the country, including my own State; and I gather from the remarks of the Senator from Wyoming that he has no objection, either, to these provisions now applied to the seven Southern States applying tc his State. Is that correct?

Mr. HANSEN. The Senator is entirely correct. I supported legislation in this body only a week ago that I think clearly had the thrust that the laws of this country should be enforced and applied uniformly throughout all of the 50 States. I see no reason at all, any longer, to single out any area, region, or single State for the particular application of a Federal law. If it is good enough in Florida or Wyoming, it ought to be good enough throughout the entire United States. I certainly agree with the Senator from Florida on that.

Mr. GURNEY. That makes sound sense to me, and I think there are many other Senators who share that view.

Mr. HANSEN. Mr. President, I have discussed with the distinguished Senator from Florida (Mr. GURNEY) and the distinguished Senator from Kansas (Mr. DOLE) the statements made by the distinguished Representative from Virginia (Mr. POFF) which seem to me to have great relevance in the discussion of this amendment in the form of a substitute, the Scott amendment, to the Voting Rights Act of 1965, by which the Senator from Pennsylvania would change the bill that came from the other body and proposes some extensions of sections 4 and 5.

In my judgment, I can find little justification for the proposal by the distinguished Senator from Pennsylvania.

I assume that most Members of this body are familiar with the observations of the distinguished Representative from Virginia. Nevertheless, I felt that it was important and worthwhile that we hear again precisely the arguments he makes, which I think are persuasive, logical, and convincing. I think that people who would view openmindedly and objectively the plight of States such as Virginia could not fail to see the fairness, the justice, and the equity of what the distinguished Representative from the State of Virginia has said.

The Representative footnoted his remarks by inserting in the committee report some additional views that had been made by the Republicans, in the form of a minority report of the Committee on the Judiciary, concerning the Voting Rights Act of 1965. I should like to have the Members of the Senate hear what was contained in that report.

DISCRIMINATION IN APPLICATION OF FEDERAL REMEDIES

The "triggering" provisions of the committee-Celler bill are examples of bewildering complexity. Alternate means are provided for activating the remedies afforded by the bill. One, an "automatic trigger," reaches for large, hard-core areas (secs. 4 and 5); the alternate, a "pocket trigger," applies to other areas where discrimination on account of race or color is found (sec. 3). The original bill considered in subcommittee contained only the first of these, a formula-based provision predicated on the premise that the combination of low voter participation (or registration) in a State which required a voter literacy qualification indicated the presence of racial discrimination. The application of the bill was limited to seven States.

Republicans resisted limitation of this important legislation to such narrow bounds; the overwhelming majority of witnesses who appeared in support of the bill were critical of the restricted application; even the Attorney General conceded that other areas of discrimination should be included (subcommittee transcript, p. 69). We were gratified when this serious deficiency was acknowledged by addition of alternative triggering means. But those who expect or infer increased flexibility from the new provisions are misled and will be disappointed for, in practical application, the "pocket trigger" hardly goes beyond the present law. It does not remove the chief and acknowledged shortcoming which now requires court action before any remedy is available. These mechanical inadequacies are fully discussed later in this report at section 3(a).

The overall defect of committee-Celler bill's triggering provisions is inescapable: it attempts to remedy discrimination by discriminatory means. The percentage formula is based on figures which have nothing to do directly with ratios of white to Negro voters (subcommittee transcript, pp. 48, 91, 289). It is obvious that a target for the bill was selected before the means to reach the mark were devised.

A State is selected and condemned regardless of the inclusion of many counties or parishes deserving of commendation for the progress they have made, and the irreproachable conditions they have produced. Since application of the bill is frozen by the state of injustice as of November 1964 and born of past evils, it cannot adjust to the future: States not presently reached can enact and enforce discriminatory laws and devices and remain outside effective coverage of the majority bill. What end is usefully served by this legislative indictment?

Citizens deprived of the voting rights on account of race or color in 135 counties in Texas where less than 50 percent of eligibles voted will get no immediate assistance from the majority bill. They must wait for the Justice Department to bring suit, for assurance of their rights has been left to means the Attorney General has described as restricted to "the tortuous, often-ineffective pace of litigation" (subcommittee transcript, p. 9). The aim of effective legislation should be the effective relief of the individual voter at the voting district level.

Suspension of State sovereignty and disqualification of the Federal courts

Inseparably bound up in the triggering provisions are two innovations which should be of primary concern to all who are sworn to uphold the Constitution and our Federal system. The first of these is a provision, once the committee-Celler bill is triggered, that no new election law, rule, regulation or resolution of a State or subdivision thereof may be put into effect without the prior approval of a Federal court or the Attorney General. The second proposition is that a State or political subdivision, covered by the automatic trigger, must come to the District of Columbia to quash the bill's indictment or, failing this, to get approval for its new election laws. This same forum must be utilized to correct the actions of any Federal officer or employee (examiners, hearing officers, and observers) who are sent to implement its provisions (sec. 14(a)). For neither measure is there a precedent, save among dangers of overextension of Federal power cataloged by the Founding Fathers (subcommittee transcript, p. 560).

While recognizing the problems that have been encountered in certain district courts, we should not abandon the traditional concept that a court decision properly should be made in the jurisdiction where the cause of action arises. To disqualify all Federal courts save those of the District of Columbia from hearing cases brought by the States under these laws was characterized by the chairman himself as "harsh" law (subcommittee transcript, p. 62). We would add to "harsh" unnecessary. We are not destitute of hope that the only possibility of reform lies in the Congress of the United States. Internal disciplinary resources of the judicial branch have not been effectively used, as yet, in the opinion of studious observers. See "Comment, Judicial Performance on the Fifth Circuit," 73 Yale Law Journal 90 at 133 (1964). And other authorities intimately involved with the problem have suggested that not only the pace but the effectiveness of a local court action has improved and will continue to improve now that basic standards have been set up by the appellate courts. (Subcommittee transcript, p. 308, February 1965 statement of Burke Marshall.)

The end to be achieved is hardly worth the affront to the doctrine of separation of powers contained in this thoroughly mischievous precedent. The measure cannot be justified on grounds other than mistrust of southern district judges.

The District Court for the District of Columbia already has a huge backlog of over 4,000 civil cases.[8] 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. If the automatic trigger and its abrasive, built-in ramifications must be imposed upon selected States, would it not be fairer to provide for a three-judge district court, or even circuit

[8] Quarterly report of the director of the administrative office of the U.S. courts, table C–1 (1965).

[9] Annual report of the director of the administrative office of the U.S. courts, table C–5 (1964).

court, sitting locally to hear cases arising under this act? We deplore the unprecedented requirement that an affected State or subdivision must come to a single court sitting in the Nation's Capital to absolve itself of an automatically presumed guilt.

To add to this disqualification of the local courts the nullification of expressly granted State sovereignty—which is inherent in the bill's presumption of the irregularity of State voting laws, and the rules, regulations, and resolutions of its subdivisions—is unthinkable. We regard it as a proscription without justification. The immediate access to more appropriate legislative means to avoid continued obstruction by a few State legislatures or local governing bodies is fully discussed in section 3(b).

Automatic trigger of the committee-Cellar bill.—The committee-Cellar bill's 50 percent voter-registration test, or automatic triggering device, being retrospective in viewpoint, does not consider the actions of a State or political subdivision in the present, but rests upon past occurrences. Despite the gross injustices perpetrated by some individuals and governmental bodies, we find the creation of penalties today, to be applied in the form of indictments for yesterday's sins, to be philosophically undesirable, especially in the light of the delicate Federal-State relationship and the constitutional issues involved. There is no opportunity open to all for the redemption of wrongdoers. Good faith compliance with the spirit and letter of the law after passage of this voting rights bill would be of no avail.

The "numbers game" approach, obviously designed to hit a pre-designated target, is clearly an arbitrary device unless we are to believe that, without evidence, without a judicial proceeding or a hearing of any kind, a contrived mathematical formula is capable of fairly delineating those States that discriminate on account of race or color and those that do not. As noted earlier, it is conceded by the committee-Celler bill's proponents that the figures used do not purport to show a proportionally low ratio of Negro to white registrants or voters which might reflect a pattern of racial discrimination. In fact, discrimination prohibited by the 15th amendment could continue untouched under the formula so long as 50 percent of the voting age population on November 1, 1964, was registered or voted—even if they were all whites. We find it to be quite illogical to declare, on the basis of the formula, that Louisiana is guilty of discriminating since it had only 47.3 percent of the eligible population voting in the 1964 election, while Hawaii with 52 percent voting is deemed innocent (subcommittee transcript, p. 29). Meanwhile, Texas escapes censure, although it had only 44 percent participation. Yet, as a result of this arbitrary calculation, a State's voting qualifications are suspended until it comes to a selected court in the District of Columbia and establishes the fact that its "tests and devices" were never used during the past 5 years to deny or abridge the right to vote.

The fair and effective enforcement of the 15th amendment calls for precise identification of offenders, not the indiscriminate scatter-gun technique evidenced in the 50-percent test. Where local election officials practice discrimination, a Federal remedy should be readily available to be swiftly administered even if 99 percent of the eligible voters are properly registered or voted. However, the committee-Celler bill with its 50-percent test would engulf whole States in a tidal wave of Federal control of the election process, even though many of the counties or parishes within that State may be acknowledged by all to be absolutely free of racial discrimination in voting. In South Carolina, for example, it was admitted by the Attorney General, as it had been by his predecessor, that a large portion of the State is free of any such wrongdoing (subcommittee transcript pp. 114–117). Yet here, as in other States, the innocent as well as the guilty must suffer the same humiliation and deprivation of traditional State and county authority over the conduct of elections.

The statistical test is a faulty barometer of discrimination since it ignores the political facts of life in the South. Although progress is being made to restore a healthy two-party system, this region still suffers from the voter apathy that accompanies traditional one-party domination.[10] It is little wonder that, where winning the Democratic party primary has been tantamount to election, voter turnout in the November election is less than vigorous. Moreover, in several of the States affected, low voter participation is further engendered by the fact that in many areas, the election of local officials does not coincide with the presidential elections.

The percentage test of the committee-Celler bill creates a further inequity which, to our knowledge, defies remedy. It is widely known that many of the personnel stationed at our military bases in this country, and their dependents, are registered and vote in States other than those of their duty assignment. Yet, they as well as aliens, prison inmates, incompetents and students are counted by the Bureau of the Census as a part of the total voting age population of the State and county in which they temporarily reside. It is obvious that their inclusion in such population figures will work to the detriment of that locality under the reported bill. Unfortunately, there is no reasonably accurate data available to indicate the number of eligible persons temporarily residing in one State who are registered and participating voters in their home State or subdivision.

Finally, we view with much concern the broad discretionary powers placed in the hands of the Attorney General by this triggering provision of the bill. Without suggesting any criticism of the present incumbent, we foresee a multitude of opportunities for political manipulation by an Attorney General who is inclined to do so. This is especially true since in recent times several Attorneys General, Republican and Democrat, have been closely tied to the political campaigns prior to their taking office. Of all the grants of authority to the Attorney General under the administration bill, including the ability to consent to the entry of declaratory judgments and to call for the appointment of examiners and election observers, it does not require a great deal of imagination to see that the authority to approve or disapprove State laws stands out as the power most subject to abuse. This threat, as well as many of the other problems inherent in this bill, would be eliminated by adopting machinery that starts through the initiative of those people who need help to secure the franchise rather than depending upon a federally actuated authority that presupposes the guilt and bad faith of selected parts of the country on the basis of an arbitary and irrelevant test.

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

The PRESIDING OFFICER (Mr. MILLER in the chair). Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. HANSEN. I yield to the Senator from Nebraska.

Mr. HRUSKA. The Senator from Wyoming has been giving us some interesting material and I am sure that it will be helpful in our deliberations.

May I ask the Senator from Wyoming, is he prepared to yield the floor?

Mr. HANSEN. I am.

Mr. HOLLAND. Mr. President, will the Senator from Nebraska yield for one question?

The PRESIDING OFFICER (Mr. HANSEN in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HRUSKA. I am glad to yield to the Senator from Florida provided that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Nebraska has a right to yield for a question.

Mr. HOLLAND. I would ask the Senator, does it not seem rather ludicrous to my friend from Nebraska that district judges throughout the Southern States are permitted to sit and decide and enter decisions and rulings on such intimate matters as segregation and desegregation in the schools, and violence in connection with civil rights incidents, of violence as between persons of various colors, and every other type of civil rights matter, and yet are held to be, under this legislation, incapable of deciding whether their State, or a county within their State, has operated in such a way as to get out from under the prohibition earlier required, or an adverse ruling earlier made, under the existing legislation against that State or county? Is that not a completely incongruous situation?

Mr. HRUSKA. Mr. President, in reply, I would say yes. In my judgment, it is incongruous. And it is rather ludicrous. It is 5 years ago that a procedure of that kind should have been resorted to and was resorted to because of the situation then controlling. But certainly that time has now passed, and the need for legislation which will be national in character and will be of uniform application to all States of the Union is clearly indicated.

Mr. President, I might say that it will be my purpose before I yield the floor to make a motion to table the pending business, which I understand to be that of the amendment by way of a substitute proposed by the Senator from Pennsylvania and the Senator from Michigan.

Mr. KENNEDY. Mr. President, will the Senator yield at this time without losing his right to the floor?

Mr. HRUSKA. I yield for a question.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to permit a quorum call prior to the motion?

Mr. HRUSKA. By all means. Let me say that it will be my purpose to allow any questions or any short colloquies to occur by those who might have occasion to comment one way or the other on the proposed motion to table, all subject, of course, to my not losing my right to the floor.

I am aware of the nature and the implications of a motion to table. And I put it in this form. It is a time-honored practice, something that in my observation says in advance that one intends to make a motion.

But if anyone wants me to yield for a brief question or statement, I will be happy to do so within reasonable limits,

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[10] Subcommittee transcript 543–545; Report of the President's Commission on Civil Rights, pp. 1, 24 (1963), Commission on Civil Rights, with Liberty and Justice For All 46 (1959).

subject to the limitation that I not lose my right to the floor.

I will make a brief statement of the reasons why this motion to table is being made, and then I will invite such comments as may be made.

Mr. President, pursuant to the suggestion of the Senator from Massachusetts, I ask unanimous consent that a brief quorum call be engaged in at this time, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. 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. HRUSKA. Mr. President, a little bit ago I stated that before I yielded the floor I would expect to make a motion to table the pending amendment, which is the amendment proposed by the Senator from Pennsylvania and the Senator from Michigan, as I understand it, by way of a substitute.

Before making that motion I wish to make a brief recital of the reasons why I do so, and then I shall afford an opportunity to my colleagues who might want to make a brief statement or ask questions of me, within a reasonable limitation. When a reasonable time has expired, or if there are no further comments or questions or further colloquy, it would be my purpose to make the motion to lay on the table.

This procedure, of course, is one resorted to time and time again. The principals in this debate, so far as the pending business is concerned, have been advised in advance of this procedure. Now, I shall go into the matter of outlining the reasons why the motion is contemplated and why I shall make it.

The PRESIDING OFFICER. The Senate is not in order. The Senator will suspend. The Senate will be in order.

The Senator may proceed.

Mr. HRUSKA. Mr. President, we have completed about 4 days of debate on the proposition before us. The record is a good one and it is quite complete. I imagine we are very near to reaching the point where we would consider amendments which have been filed and which are ready to be called up to the bill itself or to the pending amendment in the nature of a substitute.

It is my understanding that a large number of amendments are at the table and, in due time, Senators who have introduced those amendments will call them up and they will be considered. It will mean lengthy debate and consideration; and it will mean a great number of rollcall votes, I presume, before the list of those amendments is called up and disposed of.

I imagine all of us are interested in the best use of our time in this Chamber. There is much to be done before we consider sine die adjournment. Sine die means we should pay some attention to getting some of the necessary legislation out of the way and disposed of.

It would seem to be in the interest of the best use of our time to consider a motion to table to find whether or not the bulk of the Members of this body are of a mind to agree to either one broad road or another broad road toward reaching some conclusion in the matter of extension or modification of the Voting Rights Act.

The vote on this motion to table may or may not decide or settle the issue but it will give us some indication on which of these roads we are to go. One road, of course, would be to say we want to use the vehicle of the pending substitute in order to subject it to the amendatory process; the other road would mean we do not want that road, but that we want to work out of the administration bill. That is the basic question before the Senate; it is not the pending one but it is the basic question.

There are, of course, the many points of distinction between the two. The administration bill has for its purpose not a renewal of the Voting Rights Act in its present but, rather, in a form that would allow of a nationwide and uniform application of whatever provisions are contained in it, as opposed to having a law on the books which will apply to a region and which will be applied on a different basis to the other 43 or 44 States involved. That is one of the cardinal provisions of the position of the administration point of view; namely, that there shall be uniform application in all 50 States of whatever statute we have on this subject. I shall not go into the matter of the substance of those provisions. They have been debated. I presume all Senators are familiar with them.

Now, is there a middle ground between the pending substitute and the administration bill proper? There may be, Mr. President. Yet I imagine the middle ground, if there is one, can be explored in the light of the vote on the motion to table; and I imagine the size of the vote on one side or the other will have something to do with indicating one way or another.

The schedule of work ahead, I need not remind Senators, is heavy. We understand from information we received a little earlier this week, that there are hearings before 11 subcommittees on appropriation bills in the other body. That would seem to indicate that we are going to get a pile of work real soon; and I imagine it would be to the interest of all of us to clear the decks so that we can get at these things.

Another important matter is the nomination of Judge Carswell as a Justice of the Supreme Court. Since last May we have had a court which is not complete in membership in that it has only eight members. I have an idea that some of the important landmark cases in that Court are being held in abeyance until the full membership is qualified and ready to sit.

It is not fair to get into that type case without a full court. It is not fair to the litigants, counsel, or the Court, and it is not fair to the Nation because the opinions and decisions rendered there will apply to all Americans.

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

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, I notice that the distinguished Senator from Nebraska at the beginning of his remarks and again just now has made reference to the heavy workload which confronts the Senate and the need to get our work done if we are going to adjourn sine die, hopefully, around Labor Day. I want to agree with the remarks made by the distinguished Senator and point out that the Senate is pretty well upon its work; that three Subcommittees on Appropriations in the Senate have been meeting. The Senator knows we have to wait upon the House before any final action can be taken by the full committee or in this body.

But in an attempt to accommodate the Senator I wonder if the Senator would be willing to consider the possibility of a time limitation on all amendments and amendments thereto after the tabling motion is disposed of. I make this suggestion basically on the remarks made by the Senator but also in accord with his views that we ought to expedite legislation as much as possible.

Frankly, we would like to take up the Judge Carswell nomination just as soon as this bill is out of the way.

I agree with the Senator that it does not do the Court much good to operate with an eight-man Court when nine are called for.

I agree also with his assumption that, very likely, some landmark cases—at least, decisions affecting them—are being held back until the Court has a full complement.

So again I raise the question, Will the Senator and those who may be willing to consider the possibility of a time limitation after the motion to table, which will be made shortly, is disposed of?

Mr. HRUSKA. Mr. President, I suppose that question would be renewed after the vote on the motion to table. I would not undertake to speak for more than one Member of this body. I would consider seriously a time limitation in due time, depending on where we go on this motion to table. If we are going to go back to the principal bill or some substitute that will have a greatly different substance than the present substitute, I imagine that ought to be properly explaned in general debate before we get into the matter of a time limitation. But subject to that, the Senator from Nebraska would be very receptive to some sort of limitation when the due time comes.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I just raised the question. This is the fourth day on this bill. I hope we can dispose of it in due time. When that due time will be, will, of course, be the will of the Senate, but I do think, in view of the Senator's remarks, reiterated, that at least it is worthwhile raising the question of a limitation of time now. Whether or not we get it, of course, is up to the Senate as a whole.

Mr. HRUSKA. That is very likely. To make a decision or conclusion upon that now, it seems to me, would be operating in a vacuum at this time.

Mr. MANSFIELD. No. I just asked if he would be receptive and if those in accord with his views would be receptive to such

a limitation after the tabling motion is disposed of.

Mr. HRUSKA. My answer is "yes," I would be receptive, depending upon the development of this situation, and would give it a response.

I say again if any Senator has any questions or wishes to engage in a colloquy with the Senator from Nebraska or any other Member of the Senate, I shall be happy to yield at this time, subject to the understanding that the Senator from Nebraska will not lose his right to the floor.

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

Mr. HRUSKA. I am happy to yield.

Mr. SCOTT. Mr. President, we have heard here a considerable amount of discussion in good spirit, in good faith, with all respect to each other's point of view, a discussion and a citation of examples tending to establish the fact that, because there are more people now registered in many States than there were some years ago, this has resulted in the election of people, without regard to race, to various offices, municipal and otherwise. All of this citation comes from those who are opposing the Hart-Scott substitute.

Yet all it seems to me to say is that the voting rights bill is working so well, let us do away with it. I find it a little difficult to follow.

I say this absit invidia, but, nevertheless, because the opponents are making the point, to illustrate the need for retention of section 5—which is the major difference between the Hart-Scott substitute and the House bill; the major difference, in other words, between the majority report signed by 10 of the 17 members of the Committee on the Judiciary, including most of the members on this side, a report which is approved by 10 or 11 of the 17 members of the Committee on the Judiciary, as will eventuate, I am sure, is indeed a majority report.

The House bill became the House bill by a margin of only five votes, a margin actually smaller in the entire House than the margin of difference in a single Senate committee.

I say the need for the mention of section 5 in the substitute has been demonstrated because of repeated legislative efforts by the covered States to disfranchise some of their voters through a variety of devious and sophisticated means. I do not mean changing registration or filing fees from a dollar or more. They have included limiting school candidates to freeholders of $5,000 real property or more, raising filing fees, switching to at-large elections to prevent election of Negro officeholders, reimposing literacy requirements in new disguises, making certain elective offices appointive to prevent election of Negro candidates, and even refusing to qualify for office duly elected Negro candidates.

In addition, the House bill would transfer section 5 enforcement to the courts and require the Department of Justice to bring the necessary cases in a Federal district court in the State involved.

Under the substitute provision and under the present bill, in fact, cases are brought in the District Court for the District of Columbia, where a uniform standard can be applied fairly, in a single forum.

As the chairman of the Judiciary Committee and as the Representative from Ohio, Mr. McCULLOCH, the Republican ranking member, have urged in the other body, to use a different standard, including the use of later statistics, would indeed gut the Voting Rights Act where it is needed most and as effectively as if it had not been extended at all.

The argument offered that Congress set a standard of 50 percent registration and voting, which the covered States have now met—and, therefore, that they should not be "penalized" further—is superficially appealing, but does not withstand a moment's careful examination.

The means for triggering the suspension of tests and devices in section 4(b) were chosen because they were valid indications of abusive practices which violated the 15th amendment. They were not intended as a measure of an adequate level of political enfranchisement, as has been argued here. Nor did Congress find, when it enacted the means for determining coverage under section 4(b), that this same percentage would also serve as a criterion for determining when past discriminatory practices had been sufficiently eradicated to warrant removing the safeguards which had made progress and improvement possible.

It seems to me that when the safeguards have made the improvement possible, the removal of the safeguards would indicate reversion to undesirable practices; that, as has been said a number of times, the success in registration has come because of the law, and certainly not in spite of it. And if the law has worked so well, as so many opponents argue, I return again to the simple logic of the question, "Why not extend it?" In fact, as one said to me, who probably is opposed to my amendment, "Having lived with this for 5 years, continued living with it should not be difficult," and I assume he had in mind because, after all, it is working.

Now, after the motion to table has been disposed of—and I am opposed to the motion to table and I hope it will be defeated—if it is defeated I am perfectly willing to listen to any arguments with an open mind as to how one might preserve the benefits of prior clearance, as to how one might preserve the existence of the protection of the right of registration, and still enlarge the features of the bill to have national application.

If there are violations in my city of Philadelphia that would fall under this measure, or in any other part of the United States, I would be glad to hear of them, and I would be glad to see what could be done about them. But I could not be in favor of the elimination of the prior clearance provision or the maintenance of the burden of proof upon the States or communities, rather than to require the Attorney General to institute hundreds and perhaps thousands of suits on his own volition, with all the pressures that would be against any Attorney General under any administration not to institute such suits, to go slow, to allow these matters to settle themselves, to wait until the dust settled, to honor the mores of the community, to consider that conditions are just as bad somewhere else, so why try to remedy them here—I have heard all those arguments for 27 years. I am no more impressed with them now than I was when I came here.

This may be—and again I recognize this with the same caution with which I speak, absit invidia, without meaning to give offense; but I believe that any law as good as this one, where there seems to be such unanimity of approval by the people to whom it applies, ought to be retained. Therefore, I urge that the motion to table be defeated.

Mr. MATHIAS. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield, with the stipulation that I not lose the floor.

Mr. MATHIAS. Mr. President, I simply wish to say that I find myself in a measure of agreement with both the distinguished Senator from Pennsylvania and the distinguished Senator from Nebraska. I agree completely with the Senator from Pennsylvania that this substitute is a very necessary addition to the bill, without which it will not be very significant. I agree with the Senator from Nebraska that the House-passed bill does provide an equal and uniform treatment for the whole country.

But if I may say so very respectfully, that uniformity and that equality, in any meaningful and significant sense, is simply "doing nothing nowhere," and I feel that the motion to table must be defeated.

Mr. HRUSKA. Mr. President, only briefly will I speak to say that, as far as the statement that inasmuch as the law is working so well it ought to be extended is concerned, I fully agree with that. Let us extend it to the 43 other States, and let the procedures be uniform. As to whether or not, under that kind of a uniform, nationwide law, it will be a lot of doing nothing, that will remain for the Department of Justice and for the courts and the people of this country to determine, just as it is now with reference to only seven States. Those are matters of merit that have to be developed, discussed, talked about, and considered. I do not know that this is the time to get into it.

May I inquire, Mr. President, whether there is any other Senator who might have a question or a brief comment, before the motion to lay on the table is made?

Mr. COOPER. Mr. President, may I ask the Senator a question?

Mr. HRUSKA. Surely. I yield to the Senator for that purpose without relinquishing my right to the floor.

Mr. COOPER. The Senator has suggested that after this vote, in whatever way it might turn out, there may be amendments which will turn the bill one direction or the other. I have not heard all the debate—but has there been any suggestion of making the enforcement procedure under the 1965 act follow a uniform application, all over the United States?

Mr. HRUSKA. Yes, there has been. I think one form of nationwide and uni-

form procedure will be found in the House-passed bill. There are other alternatives—for example, to allow the Attorney General to be a part of the preclearance process instead of resorting to the courts.

It was the position of the Attorney General, when he testified before us, that it is crossing the lines established by the doctrine of separation of powers to have an appointed political officer passing judgment upon the legislative wisdom of a county board, city council, or State legislature as to whether or not the action of that body is valid. That is a chore for the courts to decide, and not for the Attorney General.

But, to answer the Senator's question, yes, there has been some consideration given, and it has been given in the House-passed bill. There are other forums, and I presume that in due time, regardless of which way the vote on this motion turns out, proposals will be made either to change the substitute bill or to change the administration bill in that regard. So it does not fasten it down. But I believe that a vote on a motion to table will be helpful in order to determine in which general direction we should travel.

Mr. COOPER. The Senator may have misunderstood my question. The question was, as to the enforcement procedures, or the procedures which are now available under the present Voting Rights Act of 1965, whether the application of those procedures all over the United States has been considered.

Mr. HRUSKA. Yes, that has been considered. The present law, for example, enables the Attorney General to go into seven States of the Union to appoint examiners and registrars any time, upon application. If it is a non-Southern State, the Attorney General has to go to a district court and get permission to do such.

The enforcement method in the administration bill is simply that the Attorney General can go into any city, county, or State to have examiners or registrars appointed, with reference to a court, in one instance, and with no court action in another. There are alternatives that have been considered as to both bills.

Mr. SCOTT. And, if the Senator will yield, I would like to reassure the Senator from Kentucky that discussions are going on with regard to how it may be possible to apply these laws nationally.

Mr. HRUSKA. And some of those discussions have occurred since noon today. In any event, they will be continued.

Mr. President, if there is no further comment, question, or colloquy on the part of any of my colleagues, I am prepared to make my motion.

Mr. SPONG. Mr. President, I want the record to be clear that there is much in the pending legislation which I support and believe should be enacted into law.

I believe every citizen should be protected in his right to vote and hold public office without regard to race or color. This is a fundamental and absolute right. If it requires strong Federal legislation to insure that right, then so be it—I will support it.

However, I cannot support legislation which would treat my State unfairly and differently from any other State in the Nation. As I said in a colloquy with the Senator from Michigan (Senator HART), as well as on yesterday with the Senator from Tennessee (Senator BAKER), any legislation in this field should be national in its application.

The vote on this motion comes before there has been an opportunity to amend and correct the pending substitute. I would have preferred it otherwise but given the choice before me, I have no choice but to vote to table the substitute which in its present form is not national in application and is prejudicial to Virginia despite the absence of any evidence to substantiate such treatment.

Mr. HRUSKA. Mr. President, I move that the pending amendment in the nature of a substitute be laid on the table.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment in the nature of a substitute offered by the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Michigan (Mr. HART). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LONG. On this vote, I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. STEVENS (after having voted in the negative). On this vote, I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. FULBRIGHT (after having voted in the affirmative). On this vote, I have a pair with the Senator from Alaska (Mr. GRAVEL). If he were present and voting, he would vote "nay"; I would vote "yea." I withdraw my vote.

Mr. COTTON (after having voted in the affirmative). On this vote, I have a pair with the Senator from Massachusetts (Mr. BROOKE). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. METCALF), and the Senator from Minnesota (Mr. MONDALE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from California (Mr. MURPHY), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kansas (Mr. PEARSON) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The respective pairs of the Senator from Massachusetts (Mr. BROOKE) and that of the Senator from Illinois (Mr. SMITH) have been previously announced.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Kansas (Mr. PEARSON). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 32, nays 47, as follows:

[No. 82 Leg.]

YEAS—32

Aiken	Ellender	Prouty
Allen	Ervin	Smith, Maine
Allott	Fannin	Sparkman
Baker	Gurney	Spong
Bennett	Hansen	Stennis
Byrd, Va.	Holland	Talmadge
Byrd, W. Va.	Hollings	Thurmond
Curtis	Hruska	Tower
Dole	Jordan, N.C.	Williams, Del.
Dominick	McClellan	Young, N. Dak.
Eastland	Miller	

NAYS—47

Anderson	Gore	Montoya
Bayh	Griffin	Moss
Bellmon	Harris	Muskie
Bible	Hart	Packwood
Boggs	Hartke	Pastore
Burdick	Hatfield	Pell
Cannon	Inouye	Proxmire
Case	Jackson	Randolph
Church	Javits	Ribicoff
Cook	Jordan, Idaho	Schweiker
Cooper	Kennedy	Scott
Cranston	Magnuson	Symington
Eagleton	Mathias	Tydings
Fong	McGee	Williams, N.J.
Goldwater	McGovern	Young, Ohio
Goodell	McIntyre	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Cotton, for.
Fulbright, for.
Long, for.
Mansfield, against.
Stevens, against.

NOT VOTING—16

Brooke	Mondale	Russell
Dodd	Mundt	Saxbe
Gravel	Murphy	Smith, Ill.
Hughes	Nelson	Yarborough
McCarthy	Pearson	
Metcalf	Percy	

So Mr. HRUSKA's motion to lay on the table was rejected.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the distinguished majority leader yield to me for a question?

Mr. MANSFIELD. I am delighted to yield to the minority leader.

Mr. SCOTT. Will there be any more votes tonight, may I inquire?

Mr. MANSFIELD. No.

Mr. SCOTT. Will there be any tomorrow?

Mr. MANSFIELD. I hope so.

Mr. SCOTT. May I ask whether there will be a Saturday session—perish the thought?

Mr. MANSFIELD. No.

Mr. SCOTT. I thank the Senator from Montana.

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.

Mr. BYRD of Virginia. Mr. President, I want to begin my comments on the pending legislation by stating that I believe that every American who qualifies under nondiscriminatory State laws should have the right to vote.

I do not believe, however, that the Federal Government should have the power to dictate who shall and who shall not cast a ballot in any State.

The laws of the Commonwealth of Virginia do not discriminate. So far as I know, there has been no claim that Virginia has discriminated against any voters in its laws.

Nevertheless, under the provisions of the 1965 act, Virginia has been subject to special requirements not imposed on all 50 States. It has been effectively prevented from altering its voting laws and has been unable to employ any tests or devices as requirements for voting, even though such tests have been legally applied in many other States.

Now it is proposed, both in H.R. 4249 and in the Scott-Hart substitute, that illiterates be allowed to vote in any State. Frankly, I doubt the wisdom of permitting illiterates to vote anywhere. However, whatever the Congress decides to do in regard to illiterate voting, most certainly should apply nationwide.

But neither H.R. 4249 nor the pending substitutes would bring equality among the States in their voting procedures.

The Senators from Pennsylvania and Michigan, in debate on the floor yesterday, conceded that their substitute does not remove all the differences among the States. The provisions for Federal examiners and registrars would still apply especially to those States already covered in the 1965 act. These provisions could technically be applied to other States, but as a practical matter, they really are limited to Virginia, Alabama, Georgia, Louisiana, South Carolina, Mississippi, and parts of North Carolina.

I believe strongly that laws enacted by the Congress should apply with equal force throughout the country. I do not think that the provisions for Federal examiners should be extended to all States—on the contrary, I believe that they should not apply in any State.

However, if these burdensome provisions of the law are to apply anywhere, they should apply everywhere.

AMENDMENT NO. 534

Mr. ERVIN. Mr. President, I call up my amendment No. 534 and ask that it be stated.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. Add a new section, appropriately numbered, as follows:

SEC. . That section 4(b) of the Voting Rights Act of 1965 is amended by striking "November 1, 1964" wherever it appears and substituting therefor "November 1, 1968", and by striking "November 1964" and substituting therefor "November 1968".

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, now I should like to have the attention of the distinguished majority leader.

I do not care to argue this amendment this evening except to say that it proposes to change the time of operation of the triggering device from 1964 to the latest presidential election, 1968.

I should like to suggest to the majority leader that I am perfectly willing to agree to a time limitation on this amendment, with 10 minutes to a side, to be voted on after the conclusion of morning business tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, before the distinguished Senator from North Carolina (Mr. ERVIN) changes his mind, I ask unanimous consent that on amendment No. 534, there be a time limitation, to be equally divided between the Senator from North Carolina and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. ERVIN. With that, Mr. President, I will yield the floor.

Mr. HART. Mr. President, reserving the right to object, what was the time on that?

Mr. MANSFIELD. Twenty minutes, 10 minutes to a side.

Mr. ERVIN. This is the amendment that would change the time for the operation of the triggering device from the presidential election of 1964 to the presidential election of 1968. I think that every person who believes that a person should be tried only on the last evidence against him would be willing to vote for this amendment and it should be agreed to.

Mr. MANSFIELD. The vote would occur after morning business tomorrow.

Mr. HART. That is all right with me. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reduced to writing is as follows:

Ordered, That debate on amendment No. 534 by Senator Ervin of North Carolina to the Scott amendment (No. 544) in the nature of a substitute for the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, be limited to 20 minutes to be equally divided and controlled by the Senator from North Carolina (Mr. Ervin) and the Senator from Pennsylvania (Mr. Scott), with the time beginning to count after morning business on March 6, 1970.

AMENDMENT OF RAILROAD RETIREMENT ACT — HOUSE CONCURRENT RESOLUTION 527

Mr. EAGLETON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 527.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 527, to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

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

Mr. EAGLETON. The purpose for this resolution is to amend the title of H.R. 13300, a bill agreed to today by the Senate and the House. The title of the bill as passed states that it provides for the mandatory retirement of railway workers. Since this feature of the bill was deleted by the conference committee, this resolution would direct the enrolling clerk of the House to amend the title accordingly.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 527) was agreed to as follows:

H. CON. RES. 527

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, is authorized and directed to strike out the title and to insert in lieu thereof the following: "An Act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes.

POLLUTION IN MONTANA

Mr. MANSFIELD. Mr. President, in the papers of Montana, there has been a good deal of discussion and talk this year relative to pollution, air and water control, pesticides, environmental control, and how these factors affect the flora and the fauna and the health of the people.

Some of this discussion has had to do with the plans of the Anaconda Co. and a proposed development in the Huddleston area in the Lincoln country, a proposed development in the Stillwater

country, a situation which had developed in the Anaconda lumber plant at Bonner, Mont., outside of Missoula, and also the question of effluent emissions from the Anaconda aluminum plant at Columbia Falls.

Because of my interest in antipollution measures and my interest in trying to preserve the environment, and because of my belief of the great danger which pollution and all of its attributes can cause and the need for proper consideration, I directed a letter on February 11, 1970, to the State of Montana Land Board, whose members include the Honorable Forrest Anderson, Governor, the Honorable Frank Murray, secretary of state, the Honorable Robert Woodahl, attorney general, and Mrs. Dolores Colburg, State superintendent of public instruction and Mr. Ted Schwinden.

In that first letter, I express my concern about the situation which was in the process of development; and I asked the board to give this sensitive issue, the question of pollution and disfigurement of the environment as it affects the Anaconda Co.'s projects and proposed projects in the State, their immediate and their closest attention at a meeting which was to be held in the State capitol at Helena on February 20.

That meeting, for some reason, was postponed.

In the meantime, I contacted Mr. Henry Gardiner, vice president of the Anaconda Co. I explained to him my interest and the interest of my colleagues, the Senator from Montana (Mr. METCALF), Representative MELCHER, and Representative OLSEN.

He said he would take my question up with the Anaconda headquarters in New York. He did so, and then he called me and said he was coming to Washington and asked if I would care to meet with them and some of his associates who had been discussing my interest in Anaconda's operations or proposed operations in Montana.

I said that I would be delighted to meet with the group. On the basis of the meeting with the Montana congressional delegation in my office, I sent out a telegram, detailing the results, to the Associated Press, Helena, Mont.; the United Press International, Helena, Mont., Dale Burk, of the Missoulian, at Missoula, Mont.; Bill James, of the Tribune, at Great Falls, Mont.; Burl Lyons, of the Daily Interlake, at Kalispell, Mont.; Dwayne Bowler, of the Billings Gazette, at Billings, Mont.; and George Remington, of the Independent Record, at Helena, Mont.

I did so in order that the results of that meeting could be given the widest dissemination and also so that as far as the Montana congressional delegation was concerned all of the cards could be laid on the table.

Then, on February 27, I sent another letter to the State of Montana Land Board. I also sent them copies of the telegrams that had been sent, so that they would have the information at the meeting which was to take place on March 2.

What the results of that meeting have been, I do not know. But I hope sincerely—and I speak for the full Montana delegation—that these matters were gone into in detail, not only as they affect the Huddleston-Lincoln area, which includes Alice Creek, and which affects the Black Foot River, but also the aluminium plant at Columbia Falls, and incidentally the proposed development of the Anaconda Co., a long way down the road, in the Stillwater country.

In that way, the people of Montana would be aware of what the situation is, as the congressional delegation understood it and what was discussed.

Mr. President, I ask unanimous consent that the correspondence and telegrams to which I have referred be printed at this point in the RECORD.

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

WASHINGTON, D.C.,
February 11, 1970.

Hon. FORREST ANDERSON,
Hon. FRANK MURRAY,
Hon. ROBERT WOODAHL,
Mrs. DOLORES COLBURG,
State of Montana Land Board,
Capitol Building,
Helena, Mont.

DEAR MEMBERS OF THE BOARD: A general preoccupation with the problems of environment, air and water pollution, and the preservation of Montana's fish and wildlife and scenic resources, prompts me to urge that these matters be given prime consideration in reviewing the Anaconda Company's request for an easement on state school trust land in the Lincoln area.

I am among the first to support and promote economic development. It is important that we move ahead in these areas, but this should not be done at the expense of the state's basic resources. There are far too many instances of disregard for human and ecological consideration. A state like Montana, with its size and relatively small population, has far too many examples of smog, polluted rivers and streams, and general disregard of ecological values, all in the name of progress. I am convinced that industry and government have sufficient technological know how to preserve the land, and control pollution.

It is with these thoughts in mind that I ask that the State Land Board give this sensitive issue its immediate and closest attention at the meeting on February 20. I would appreciate receiving a report on the results of the deliberations.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

FEBRUARY 27, 1970.

The Montana congressional delegation has just had a meeting with Henry E. Gardiner, vice president, Anaconda Co., Washington; Richard Steinmetz, Jr., vice president, counsel and secretary, Anaconda Aluminum Co., Louisville, Kentucky; Joseph Woodlief, president, Anaconda Aluminum Co., Louisville, Kentucky; Frank J. Laird, Jr., director of Environmental Engineering, Anaconda Co., Butte; R. Lewis Brown, Jr., director of industrial relations, Anaconda Co., Butte; Charles Schwab, vice president of the Anaconda Co., director of North American Operations, New York at which time we discussed the Huddleston Project and its relation to Alice Creek and the Blackfoot River in the matter of their protection. Anaconda officials met also with Governor Anderson who was in Washington attending the National Conference of Governors.

The Huddleston area in the Lincoln country is still under study and the Anaconda officials assured us that there would be no pollution, the water would be clear and the environment protected.

Last month they met with forest service, board of health, fish and game and State water pollution board in Helena and they also met with Lincoln delegation. No definite decision has been made on developing the Huddleston property but drilling and other exploratory activities are still in progress.

The proposed copper-nickel development in the Stillwater country was also discussed and there are no specific plans for development at this time. The area is still in an exploratory stage and any decision is some distance down the road. There are no specific plans for development as yet. However officials assured us that they did have a meeting in Billings three weeks ago with officials of forest service and appropriate agencies of Montana and Wyoming to discuss the subject in general.

Anaconda Company assured us they would comply with all air and water laws if anything does develop in the Stillwater area and also in all their other properties in Montana. The officials indicated there was no water pollution problem at the Columbia Falls aluminum plant but that fluoride emissions has caused air pollution and they are endeavoring to improve Columbia Falls plant to cut down emissions.

They are making progress. They are aware of the problem. They have carried on their own research in this respect and will continue to do so because as they indicated there is no simple answer. They stated they would like to conduct joint studies on this problem in and around Glacier park with the park officials and the national air pollution control administration of HEW.

They also informed us that they would cut down pollution at the Bonner plant and that the two teepee burners will be taken out and a steam plant installed which would be much more effective, cut down emissions and will comply fully with Montana law.

The Montana delegation stressed the significance and importance of the need for action. The Anaconda Company officials indicated a willingness to do everything possible and to comply fully with the law. We anticipate that more details will be forthcoming when the land board meets to consider the Alice Creek drainage on Monday next.

We impressed upon the Anaconda officials our deep and personal interest in the prevention of pollution, in the prevention of disfigurement of the environment and of the need for all possible action to protect the flora and fauna as well as the health of the people. They indicated a concern and an interest as well.

Regards,

MIKE MANSFIELD.

FEBRUARY 27, 1970.

Hon. FORREST ANDERSON,
Hon. FRANK MURRAY,
Hon. ROBERT WOODAHL,
Mrs. DOLORES COLBURG,
State of Montana Land Board,
Helena, Mont.

DEAR MEMBERS OF THE BOARD: Following up my letter of February 11 to the Land Board regarding the Anaconda Company's request for an easement on state school trust land in the Lincoln area, I am enclosing a copy of a telegram—press release issued today summarizing a meeting with the Montana Congressional delegation and the officials of the Anaconda Company.

The purpose of this meeting was to seek assurance from the Company that their plans included recognition and compliance with water and air pollution control regulations. We discussed Anaconda activities at four different points in Montana: Stillwater County; Bonner; Lincoln-Huddleston; and Columbia Falls. In each instance the Anaconda representatives assured us that they were well aware of environmental considera-

tions and were in the process of implementing the necessary control measures or had already complied with existing State air and water pollution requirements.

I am confident that, if all parties work together on these environmental issues, we will be able to have new and expanded industrial development with the necessary protection of our ecological resources.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

TREATY OF EXTRADITION BETWEEN THE UNITED STATES AND NEW ZEALAND, AND TAX CONVENTION WITH TRINIDAD AND TOBAGO—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive C, 91st Congress, second session, the Treaty of Extradition between the United States and New Zealand; and Executive D, 91st Congress, second session, the Tax Convention with Trinidad and Tobago, transmitted to the Senate today by the President of the United States, and that the treaty and convention, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty on extradition between the United States and New Zealand, signed at Washington on January 12, 1970.

The treaty, the first of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and New Zealand by adding a number of new offenses, notably, the offense of aircraft hijacking and offenses relating to narcotics including hallucinogenic drugs. Other provisions more clearly indicate the procedural aspects of the extradition process.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the treaty.

I recommend that the Senate give early and favorable consideration to the treaty submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Trinidad and Tobago for the avoidance of double taxation, the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and investment, signed at Port of Spain on January 9, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The convention of December 22, 1966 with Trinidad and Tobago relating to double taxation of income ceased to be in force at the end of 1969. Whereas the 1966 convention was limited in scope, the new convention is a comprehensive one which, in general, follows the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. Some of the provisions reflect the special needs of a developing country.

Among the provisions of special interest are those which relate to the taxation of dividends, interest, royalties, and income from real property and those which relate to exchanges of technical know-how for stock.

Under the new convention, only Trinidad and Tobago assumes an obligation with respect to reduction in withholding tax rates on investment income in order to eliminate a tax barrier to direct investment. The United States would continue to impose its tax at the statutory rate of 30 percent to avoid encouraging an outflow of capital to the United States from Trinidad and Tobago. The maximum rates of withholding by Trinidad and Tobago would be 25 percent on portfolio dividends, 10 percent on direct investment dividends, and 15 percent on interest. The withholding rate on royalties would be limited, on a reciprocal basis, to 15 percent.

The treaty contains a novel provision designed to remove a tax barrier to the flow of technology in a case where a resident of one country transfers patents or similar property rights, technical information, and certain ancillary services to a corporation of the other country in return for its stock. Under the treaty, the taxes of the two countries that would otherwise apply to the transaction may be deferred until disposition of the stock.

This convention is the first to contain a definition of the continental shelf for the purpose of applying the treaty rules to income earned from the exploration or exploitation of natural resources on the continental shelf.

The new convention does not contain a special United States tax incentive, such as an investment credit, to promote United States capital investment in Trinidad and Tobago. In view of the keen interest of the authorities of that country in such a provision, it has been agreed to continue discussions on the subject.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed 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.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the Ervin amendment No. 534 to the Scott substitute amendment No. 544.

Mr. HART. Mr. President, because we shall vote on that amendment shortly after the conclusion of the morning hour on tomorrow, I should like briefly to comment on it tonight.

This will enable those who read the RECORD in the morning to have reported to them the attitude of those of us who support the substitute to the House-passed bill.

The amendment that is now pending changes the trigger in section 4 of the act of 1965 from the 1964 presidential election to the 1968 presidential election. Under this proposal the act would cover those States which maintained literacy tests on November 1, 1968, and in which voter turnout in the November 1968 election was less than 50 percent of the voting-age population. In the remaining literacy test States, any individual county or parish with a voter turnout of less than 50 percent would be covered.

Mr. President, we hope very much that the amendment will be rejected.

The means for triggering the suspension of tests and devices under section 4(b) of the 1965 act were chosen because they were valid indications of abusive practices which violated the 15th amendment. They were not intended as a measure of an adequate level of political enfranchisement. Nor did Congress find, when it enacted means to determine coverage under section 4(b), that this same percentage would serve as a criteria to determine when past discriminatory practices had been sufficiently eradicated to warrant removing the safeguards which had made progress and improvement possible.

The progress in voter registration and turnout demonstrated in the 1968 elections is due to the effectiveness of the suspension of tests and devices, and the use of Federal examiners to list voters when local officials refused to do so under the act, and the requirement that States and political subdivisions submit changes in voting laws to the Attorney General or to the district court that the change does not have the purpose and will not have the effect of denying the right to vote on account of race or color. The efforts by State legislatures to enact new voting laws designed to keep down the number of registered Negro voters since 1965 offer little basis for confidence that the progress shown in 1968 in the covered States represents solid gains which will not be undone by new discriminatory voting practices and procedures.

What States will be covered if 1968 is used? There are 21 States which in 1968 maintained a test or device as a prerequisite to voting. This includes those States in which the test had been suspended by the 1965 act. Of these two had a voter turnout of less than 50 percent. These States are Georgia and South Carolina. In several of the remaining 19 States there are political subdivisions

in which the turnout rate was less than 50 percent.

If 1968 is used as the triggering year, Mississippi, Alabama, and Louisiana—three consistent offenders prior to the act and whose legislatures since the act have passed the majority of the voting laws objected to by the Attorney General under section 5—will not be covered as States. In addition, 22 counties and parishes cited by the U.S. Commission on Civil Rights in its 1968 report on political participation will not be covered.

These counties and parishes are as follows:

Alabama: Barbour, Bullock, Choctaw, Dallas, Elmore, Greene, Lowndes, Montgomery, Tallapoosa.

Louisiana: Concordia, DeSota, East Carroll, Madison, Ouachita, Plaquemines.

Mississippi: Carroll, Grenada, Hinds, Holmes, Jefferson, Neshoba, Panola.

It is significant that these counties and parishes are for the most part located in that area where a violent history with respect to racial relations has been written. The types of abuses in these counties include murders, Klan violence in earlier days, a tragic roster of lynch victims, and other forms of repression, including denial of the right to vote against black citizens.

It is fair to ask why we should eliminate from the reach of the 1965 act such areas as Plaquemines Parish in Louisiana, Dallas County in Alabama—which made Selma a dateline known not just in this country but unhappily elsewhere in the world—Lowndes County, Ala., Neshoba County, Miss.—where three civil rights workers were murdered and the convictions were finally affirmed by the Supreme Court only last week—and Hinds County in Mississippi.

Most important, the record in these States and counties, since the passage of the Voting Rights Act—records of assaults to thwart Negro voting by subterfuge and other means, even where literacy tests were abandoned or suspended—shows without question the present danger of letting these areas now elude the safeguards of preclearance in section 5, the automatic power to send in examiners under section 6. There is nothing permanent about the 50 percent participation levels reached in these areas. Not only will further progress likely be stopped, but even the progress to date is in danger of being lost.

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

Mr. HART. I yield.

Mr. SPONG. Mr. President, the Senator is speaking to the amendment that would change the date under which the law would be changed from the 1964 elections to the 1968 elections. The Senator has cited examples from some States.

I wish to ask the Senator if in his research with regard to this amendment he has found any instances wherein the Legislature of the State of Virginia has passed a law contrary to the act or wherein there have been any reported instances in the Commonwealth of Virginia which would give cause to conclude that there has been an abuse or abuses under the statute.

Mr. HART. I think the answer is "No," in the sense that records available to me, indicate that Virginia, at least in the recent past, has not been the scene of threats or over intimidation to prevent a citizen from exercising his right to vote. But the Allen case decided last spring by the Supreme Court did involve a case in Virginia—as well as three companion cases from Mississippi. In Allen, Virginia had employed a practice which thwarted Negro voter efforts to support a candidate other than the winner of the party primary.

I said that the three States—Mississippi, Alabama, and Louisiana—were the States from which most of the changes in law which have occurred since the 1965 act were objected to by the Attorney General. Of the 11 objections filed by the Attorney General against changes in State voter qualification and procedures, seven were enacted by the legislatures in the three States, Mississippi, Alabama, and Louisiana. The remainder were Georgia statutes or practices. But the Allen case, instituted by private parties, as I have noted, did arise in Virginia.

I think it bears repetition, for it is my impression that earlier in the day the able minority leader made reference to comments made by the chairman of the House Judiciary Committee (Mr. CELLER), and the ranking minority member of that committee, Mr. MCCULLOCH. I think, however, as we close today, it is worth repeating their reaction. And, of course, they are not alone in their expression of concern.

They state that to use the 1968 statistics, as the amendment offered by the Senator from North Carolina, and which now pends, would do, would gut the Voting Rights Act where it is needed most as effectively as if it had not been extended at all.

The argument which may be advanced—that Congress set a standard in 1965 of 50 percent registration and voting, which and that since the covered States have now met this level, they should not be penalized further—this argument does have an appeal on the surface, but it does not withstand an examination, part of which I have undertaken.

I would hope very much that the approach taken by the Scott-Hart substitute—which is, in fact, the position of a majority of the members of the Senate Judiciary Committee, 10 of whom have subscribed to the memorandum which is on our desks—will be supported.

To adopt the amendment now pending would, to use again the phrase voiced by Chairman CELLER and echoed by Mr. MCCULLOCH, got what has been described correctly as the most successful Civil Rights Act ever passed by the Congress of the United States. Those figures of improvement in voter participation are one measure of its success.

We have too few successes in our efforts by way of legislation to achieve more equal treatment among all Americans to be able to afford to abandon or cripple this one most successful one. I believe the amendment that is pending would have that effect.

For these reasons, I hope on tomorrow the amendment will not be agreed to.

ANNOUNCEMENT ON RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. KENNEDY. Mr. President, it is the understanding of the leadership that the Senator from Wyoming (Mr. HANSEN) will be recognized for 30 minutes immediately after the prayer tomorrow morning.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. KENNEDY. 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.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 6, 1970, at 10 o'clock a.m.

NOMINATION

Nomination received by the Senate March 5, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

HOUSE OF REPRESENTATIVES—*Thursday, March 5, 1970*

The House met at 12 o'clock noon.

Rev. Robert S. Nagle, pastor, Immanuel Evangelical Lutheran Church, Holmes, Pa., offered the following prayer:

Eternally loving Father in Heaven, gratefully we accept Thy gift of this new, clean, and promising day; but if it is to be kept in that condition, we need help—Thy help. We sometimes become so busy operating the big national business and even running our little personal interests that we are not always happy at what we consider Thy intervention and even interference. So, we pray that Thou wilt lead us to realize, that in all of life, but most specifically in our several capacities of elected responsibilities, we can only attain any degree of success with Thy guidance. Blessed Lord, be forcefully in the thoughts, words, and deeds of this Chamber of legislation in general and each Representative in particular. In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.