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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Thursday, March 12, 1970*

(Legislative day of Wednesday, March 11, 1970)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Reverend John T. Broome, rector, St. Andrew's Episcopal Church, College Park, Md., offered the following prayer:

Most gracious God, Father of all men, who hast given us this good land for our heritage; grant, we beseech Thee, to all who are engaged in the government of our Nation an unfailing devotion to do Thy will. Open our eyes to see more clearly what we must do to succor the poor, relieve the oppressed, and redress social wrongs. Inspire our hearts and minds with a vision of a more perfect society here on earth, of a world made new, in which justice and righteousness, peace and brotherhood shall reign according to Thy will, so that the earth shall be filled with Thy glorious love as the waters cover the sea; through Jesus Christ, our friend, our brother, and our Lord. Amen.

THE PRAYER

Mr. SCOTT. Mr. President, may I just say that we are all very grateful for the visiting chaplain's fine prayer this morning.

As a fellow churchman, I always enjoy the rolling praises and deep obeisance to higher authority which is to be found in those who adhere to the Book of Common Prayer.

Thus, with the courtesy of the majority leader, I seize this moment to say one more time, as a member of the Episcopal Church, that I am glad the Book of Common Prayer still functions as our guide and our friend.

Mr. MANSFIELD. Mr. President, may I say that I am glad that prayer is still allowed in the Senate of the United States.

Mr. SCOTT. That is what I was getting at.

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 12, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, March 11, 1970, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 713 and 714.

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

"MARPOLE"

The bill (H.R. 1497) to permit the vessel *Marpole* to be documented for use in the coastwise trade was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–719), explaining the purposes of the measure.

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

H.R. 1497

The purpose of the bill is to permit the vessel *Marpole* to be documented for use in the coastwise trade.

The tug was built in Louisiana in 1942 and was subsequently transferred to the Canadian Navy, which in turn sold it to a Canadian citizen. Thereafter, it was purchased by an American and taken to San Diego, Calif. At this point it was discovered that the vessel although built in the United States lacked coastwise privileges by reason of the intervening foreign ownership. The vessel is presently the sole asset in the owner's estate and the widow desires coastwise privileges in order to dispose of it.

It does not appear that granting such privileges will prejudice any American citizen and will be of substantial benefit to the present owner. Under the circumstances, the committee recommends the enactment of legislation.

COST OF LEGISLATION

It is estimated that there would be no additional cost to the Federal Government in the event this legislation is enacted.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES INTO THE UNITED MINE WORKERS ELECTION OF 1969 AND PENSION AND WELFARE FUNDS GENERALLY

The Senate proceeded to consider the resolution (S. Res. 360) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally.

Mr. COOPER. Mr. President, during the consideration of this resolution by the Rules Committee, I supported it, and voted for reporting it to the Senate.

In addition to providing for an investigation of the United Mine Workers election of 1969, the resolution authorizes the Labor and Public Welfare Committee to conduct a study of the administration and operation of the United Mine Workers of America welfare and pension fund. Legislation is needed to protect the rights of rank-and-file mine employees in the distribution and operation of welfare and pension funds. I look forward to the recommendations of the Labor and Public Welfare Committee on this important subject.

I filed my individual views with the committee report, and I ask unanimous consent that these views be printed in the RECORD at this point.

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

INDIVIDUAL VIEWS OF MR. COOPER

Senate Resolution 360 authorizes the Committee on Labor and Public Welfare to expend

funds for an investigation and study of the United Mine Workers election of 1969, and further authorizes "a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds."

In committee I voted to report the resolution, and I support its objectives. In doing so I wish to comment briefly on several areas, particularly the need for protection of the rights of beneficiaries of the United Mine Workers pension and welfare fund.

My long standing interest in many of these problems stems from the fact that Kentucky is the country's second largest bituminous coal producing State employing over 15,000 miners. Over the years I have received hundreds of complaints from mine employees, retired miners, and their families concerning the management of the United Mine Workers pension and welfare fund and the methods employed in the distribution of the fund's benefits.

The distribution of welfare and pension benefits is governed by a basic agreement executed in 1950 between the union and the coal operators entitled "The United Mine Workers of America Welfare and Retirement Fund of 1950," which agreement was arrived at by collective bargaining, and has been amended from time to time. The fund consists of contributions made by each coal operator party to the agreement and amounts to 40 cents a ton of coal mined. The fund is administered by a board of three trustees who determine, among other matters, the rules of eligibility and the amount of benefits to be paid employees, their families and dependents, for medical or hospital care, pensions on retirement or death of the employee, and other types of assistance.

Many complaints that I have received indicate that the trustees change the fund's rules of eligibility or the scale of welfare or pension payments in an arbitrary manner. The result has been that the miners and their families are left with no effective procedure to participate in these decisions by the trustees nor remedy to challenge or appeal them once they are made. I recall receiving many letters from disabled miners and their dependents who suddenly found themselves cut off from the cash benefits they had been receiving. Mr. Ward Sinclair of the Louisville Courier Journal in an article in the May 7 issue reports that in 1954 payments to some 30,000 disabled miners throughout the country were discontinued and of these retired miners approximately 70 percent were totally disabled and had no other source of income. In that same year some 24,000 widows and children lost their maintenance benefits. Again, in 1960, coal mining families were informed that they were no longer eligible to receive hospital and medical benefits because of the rule that the miners were not on pension, were no longer working, or had not been employed in the mines during the previous year.

Since no contractual or statutory remedies appear to be effective in protecting his rights, the mine worker has sought to pursue his remedy in court. In a recent decision by Judge Alexander Holtzoff of the U.S. District Court for the District of Columbia, the court awarded judgment to the plaintiff, Mr. Shelby Collins, a retired coal miner from Harlan, Ky., and found that certain eligibility regulations prescribed by the fund's trustees were arbitrary and capricious. The court held that these regulations should be set aside as invalid and that Mr. Collins was entitled to his pension. This case is indicative of many of the problems connected with the administration of the fund, and for that reason I include it in my statement.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1877–67]

SHELBY COLLINS; PLAINTIFF, VERSUS UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND OF 1950, ET AL., DEFENDANTS

OPINION

Joseph H. Newlin, of Washington, D.C., for the plaintiff.

Charles L. Widman, of Washington, D.C., for the defendants.

This case relates to the Welfare and Retirement Fund established by the United Mine Workers of America, a labor union representing coal miners. Two questions are presented. The first is whether the courts have power to set aside as arbitrary and capricious, a regulation adopted by the trustees of the fund, prescribing eligibility for applicants for benefits. The second is whether a particular regulation, which is being questioned in this case, should be set aside as arbitrary and capricious.

This action is brought by a retired coal miner against the trustees of the Fund to recover a retirement pension that he claims is due him. The salient facts are not in dispute. The Welfare Fund for the purpose of paying retirement pensions and other benefits to coal miners, was created by an agreement between the United Mine Workers of America and a group of owners and operators of coal mines. The Fund is made up of contributions made by the latter. Each operator periodically pays into the Fund a specified amount based on the quantity of coal produced by his mine. The Fund originated in 1946. The creation of such funds was recognized and sanctioned by Congress in the Labor Management Relations Act, 1947 (Taft-Hartley Act), 29 U.S. Code § 186(c)(5).

A new agreement executed in 1950 between the Union and the operators is now in existence, with some amendments adopted from time to time, that are not germane to this action. This agreement established a Fund designated as "The United Mine Workers of America Welfare and Retirement Fund of 1950". The Fund consists of contributions made by each coal mine operator signatory to the agreement, amounting to thirty cents on each ton of coal produced by his mine. It is administered by a Board of Trustees. It is an irrevocable trust. The purposes of the Fund are to make payments of benefits to employees of mine operators, their families and dependents, for medical or hospital care, pensions on retirement or death of employee, and benefits of other types specified in the agreement that are not relevant to this action. Subject to the stated purposes of the Fund, the trustees are given full authority to determine questions of coverage and eligibility to receive benefits and all other related matters. A portion of the Fund was to be set aside for pensions or annuities for retired members of the Union, their families or dependents.

The trustees in due course adopted and promulgated regulations prescribing qualifications for eligibility to receive a pension. The existing regulations involved in this case, were issued by the trustees on January 4, 1965, and are contained in what is known as Resolution No. 63. The requirements for a pension are as follows:

I. Eligibility

A. An applicant who subsequent to February 1, 1965, permanently ceases work in the bituminous coal industry as an employee of an employer signatory to the National Bituminous Coal Wage Agreement of 1950, as amended, shall be eligible for a pension if he has:

1. Attained the age of fifty-five (55) years or over at the date of his application for pension.

2. Completed twenty (20) years' service in the coal industry in the United States.

3. Permanently ceased work in the coal industry immediately following regular employment for a period of at least one (1) full year as an employee in a classified job for an employer signatory to the National Bituminous Coal Wage Agreement, as defined in paragraphs II B hereof.

In other words, in order to be eligible to receive a pension, a coal miner who retired subsequent to February 1, 1965, must have been at least fifty-five (55) years of age; have completed twenty (20) years' service in the coal industry; and during one (1) full year immediately preceding his retirement, must have been employed by an employer signatory to the agreement, in other words by a mine operator who made contributions to the Fund.

The plaintiff, who is a retired coal miner, applied to the trustees for a pension. He was found eligible under paragraphs 1 and 2 of the requirements, but not in compliance in respect to the third requirement, in that during the year preceding his retirement he was employed in a non-union mine instead of by an employer signatory to the agreement. It was found that the mine in which he was employed during his last year of service was a non-union mine, was not signatory to the agreement and, therefore, did not make any contributions to the Fund. This action is brought against the trustees to recover the pension which the plaintiff claims. It is contended in his behalf that this third requirement is invalid and should be set aside by the Court as arbitrary and capricious.

The following facts were stipulated in the pretrial order. On February 18, 1965, the plaintiff applied to the defendants for a retirement pension. The application was originally approved, but later its allowance was revoked. The plaintiff had been regularly employed in the coal mining industry for more than twenty (20) years immediately prior to filing his application. During the year preceding his retirement and the filing of his application, he was employed by a coal company that was not a signatory to the agreement creating the Welfare Fund and, therefore, made no contributions to it. This fact was the ground of the rejection.

The evidence shows that out of his long period of employment in the coal industry, the plaintiff worked for over twelve years in union mines that made contributions to the Fund. He testified, by deposition, that he resigned his job with a signatory mine operator because of unsafe conditions of work; and that he was compelled to accept employment in a non-union mine because no other employment was available and he had to support his wife and children.

In narrating why he resigned his employment with a contributing mine, he said in his deposition:

Q. 168. They didn't lay you off?

A. No, the top got so bad I got scared and quit and I wasn't making too good nohow.

As to the reason why he accepted employment in a non-contributing mine, he said:

Q. 89. How did you happen to continue to work for L & G Coal Company after you found out they weren't under contract and you a member of the United Mine Workers?

A. Well, I tell you buddy they wasn't nowhere to go hardly. Couldn't hardly find a job and I had a bunch of kids and I had to work.

No contradiction of his testimony was introduced. Defense counsel, however, offered in evidence some official reports that, among other things, listed a number of union mines in operation in Harlan County, Kentucky, which is the area involved in this case, during the year in question. The Court deems this evidence incompetent on this issue.

While *ex parte* Government reports may be evidence of governmental policies and of general conditions, they are hearsay and are, therefore, inadmissible as proof on specific issues in controversy. Parties are entitled to testimony of a kind that can be tested by cross-examination. Even if this evidence were competent in this instance, it would have but little probative value. It does not follow that because there were union mines in operation that every coal miner could get employment there. There may have been more miners seeking employment than the union mines could absorb. Then, too, it does not appear where any of these mines were, or whether any of them were within commuting distance of the plaintiff's home in order that he could travel daily back and forth to work, even if he could secure employment.

The trust involved in this case is of a type hitherto unknown to equity jurisprudence. The conventional and traditional trust of which equity takes cognizance and which it enforces, names specific beneficiaries, or a determinable class of beneficiaries, leaving no discretion to the trustees to decide who is entitled to the benefits of the trust. The only exception is a charitable trust by which a specific gift is left for a philanthropic purpose, or for members of an indefinite group as a free gift. In this instance, the trust is for the benefit of a general class, membership in which, however, has to be defined by the trustees, who have discretion to determine who within the class should be entitled to benefits under the trust. It is not a charitable trust, because it was created by agreement by contributions of employers. These contributions in a sense form part of the wages of employees, and are of a type known nowadays as "fringe benefits". Persons intended to be benefited rendered the creation of the Fund possible by working for employers who made contributions. They furnished a consideration for the payments. The result is that, unlike in a charitable trust, members of the class have a legal right to the benefits. They participated by their labors in the creation of the Fund. The trustees have authority to prescribe criteria for eligibility within the class.

It is part of the genius of the common law and of equity jurisprudence that they are not static but adapt themselves to shifting needs and changing conditions. Mr. Justice Cardozo summarized this doctrine in a few picturesque pointed words. He said:

The Inn that shelters for the night is not the journey's end. The law, like the traveler, must be ready for the morrow. It must have the principle of growth.[1]

When social or economic conditions change, the law must follow and adjust itself to the new requirements as they become crystalized. Justice Holmes observed that, "It cannot be helped, it is as it should be, that the law lags behind the times."[2] The lag between changes of conditions and the adjustment of the law to them should not, however, be too long.[3]

It has been established that the courts may review decisions of the trustees on individual applications and set aside a denial, if it is arbitrary and capricious, is not supported by any evidence, or is contrary to law. The scope of review is, however, very narrow and is limited in the manner just stated. *Danti* v. *Lewis,* 114 U.S. App. D.C. 105, 108; *Kosty* v. *Lewis,* 319 F. 2d 744, 115 U.S. App. D.C. 343, 346; *Kennet* v. *United Mineworkers of America,* 183 F. Supp. 315, 317.

[1] Cardozo, *The Growth of the Law* 18.

[2] Holmes, *Collected Legal Papers* 294.

[3] See Holtzoff, *The Vitality of the Common Law in Our Time,* Vol. XVI, The Catholic University Law Review, pp. 23, 25–27.

The next step to be taken is to extend this authority of the courts to setting aside and declaring invalid a qualification for eligibility for a pension, if the Court concludes that the requirement is arbitrary and capricious. No reason is perceived for not taking this additional step. In fact, the Court of Appeals in *Roark* v. *Lewis,* 401 F. 2d 425, has indicated that such power should exist. Naturally this authority shall be exercised very sparingly and cautiously and may be invoked only if the arbitrary and capricious nature of the regulation is clearly established.

The *Roark* case, *supra,* dealt with the same question that is presented in this action, namely, the validity of the regulation requiring a retired coal miner to have worked for a signatory mine owner during his last year before retirement. The enlightened and analytical opinion of the Court of Appeals in that case, written by Judge Tamm, contains a helpful and detailed discussion of the problem. He said (pp. 427–428):

While the trustees have broad discretion in setting eligibility requirements, there are obvious limits . . . Although none of the reported cases we have found which deal with UMW pension applications has directly confronted the question of court review of eligibility requirements, we see no reason why the previously announced standard (to determine whether the trustees' conduct was arbitrary or capricious) should not apply. Trustees' action in prescribing eligibility requirements affects the rights of potential beneficiaries in the same vital way as do other trustees' actions.

* * * * *

When the trust was first established, of necessity, most applicants had worked the bulk of the required time before signatory operators had begun paying into the trust a stipulated price per ton of coal mined.

* * * * *

Appellants have demonstrated the peculiarities of the attacked requirement—that an employee's last regular employment before retirement be with a signatory operator. Under the requirement, employees could spend, as appellants did, practically their entire adult lives working for mine owners who had contributed to the Fund since its inception; yet if they were to work for a non-signatory operator for any period after leaving a signatory operator, they would forfeit their otherwise valid pension claims. Conversely an applicant could have worked nineteen of the required twenty years in the industry for a non-signatory operator (who had contributed nothing to the Fund) and still be eligible for a pension if only he worked his last regular employment for a contributing operator.

* * * * *

If the Fund's purpose is to pay benefits to contributing employers' employees (whose work generated the contributions), it is difficult to see how such a requirement promotes that purpose. It makes employees like these appellants sacrifice an otherwise valid pension claim because they worked a relatively short time for non-contributing operators. The contributions which signatory operators made on their behalf did not evaporate as a result of their later employment with non-signatories.

In the exercise of caution, however, the Court of Appeals did not reach a final decision on the validity of the rule, but remanded the case to the District Court for a new trial in order that evidence bearing on a possible justification of the requirement might be introduced. The Court of Appeals indicated that the burden was on the trustees to show some rational nexus between the purpose of the Fund and the challenged requirement.

The brief concurring opinion added the following remarks (p. 429):

Appellants may have been forced off contributing payrolls because their employers closed the mines and because no other job with a contributing employer was available. On those facts, we might well find arbitrary and capricious a reading of the eligibility requirements which would deny appellants their pensions.

In the instant case the trustees assumed the burden placed upon them by the Court of Appeals in the *Roark* case, and introduced evidence seeking to explain and justify the fairness of the requirement, which on its fact appears so highly unreasonable.[4]

Counsel for the trustees called as a witness, Joseph A. Reid who is a Special Assistant to the Director of the Fund. He testified as follows:

Q. What was the purpose and the statistical information the fund had at that time that caused them to put that requirement in effect?

A. From its inception in 1946 until March 5, 1950, the fund had reecived in excess of 38,000 pension applications. They found through analyses and statistics of all these 38,000 person applications that many coal miners were coming back to the coal industry who had been away from the coal mines for many years, who had lost their identity with the coal industry, but because of the liberal requirements that were first in existence they could come back in the mines and work for one day or one week or one month and receive pension benefits. In fact, they found instances of sham and non-existent coal companies. In fact, they were referred to as "pity me" mines where a man would go for a day and then apply for a pension.

So after these three years of statistics on this subject the trustees inserted the resolution that his last year of employment had to be for a signatory company. Now this was also done because any man who did not work for a signatory company for one year immediately prior to his retirement and returned to work after 1946 could have worked for a company that never paid a cent into the welfare fund. It operates much like workmen's compensation, his last year of employment must be assessed against the employer that contributes to the fund, and that is the reason this regulation was applied.

Q. Mr. Reid, following the adoption and throughout the years of administration of this welfare fund concerning this requirement of eligibility of employment immediately prior to retirement for a coal operator's signatory, what would be the percentage of the people that have been able to meet that requirement of eligibility?

A. Oh, the vast majority of the people have met that eligibility requirement. In fact, there are over 70,000 people now receiving pension benefits, and since the inception of the fund over 130,000 have been approved pension benefits.

Q. Have you in the administration of the

[4] The *Roark* case is on the civil non-jury calendar of this Court and is about to be reached for trial. In the interest of justice as well as to promote efficiency of its administration, the *Roark* case and the case at bar should have been consolidated for trial, especially as the civil non-jury calendar is practically current. It is to be regretted that none of the parties made a motion to consolidate. This Court would have been inclined to direct a consolidation *sua sponte* but unfortunately the statute of the *Roark* case did not come to its attention until after the trial of the instant case started and was under way.

funds encountered and difficulty in the administering of this regulation? Has it been found equitable or harsh in the administration of this welfare fund?

* * * * *

A. We have found that this has been an equitable regulation. It has been in effect since 1950 and that is nineteen years. There has never been a great deal of clamor upon the coal miners themselves to alter this regulation. The majority of coal miners feel that this is right.

* * * * *

Q. Mr. Reid, has there ever been any consideration within the welfare fund to change that requirement?

A. In various conferences that the administrative fund conducts discussions have periodically occurred on the whole regulation but it has never come to pass that this regulation should change.

Q. Has there ever been consideration to increase the number of years of signatory employment to more than a year of the last employer?

A. Yes, they have discussed the possibility of making a miner work for more than one year in signatory mines but they want to be as liberal as they possibly can so they have never changed it. (Tr. pp. 8–9, 10–11, 12–13)

In the opinion of this Court, the foregoing explanation is not adequate. In order to prevent possible frauds and in order to confine the benefits of the Fund to retired employees whose labors brought about contributions to the Fund, all that is necessary is to require that the miner should have worked for a specified minimum period in signatory coal mines. To exact a requirement that irrespective of the numbers of years he may have been employed in such mines, he must have done likewise during the very last year of his employment in the coal industry, is unreasonable, arbitrary and capricious. The unfairness of the requirement is patent in respect to a person, such as this plaintiff, who for many years worked in a signatory coal mine, but during the last year of his work in the industry was constrained by circumstances to accept employment in a non-union mine. On the other hand, a person could have worked during his entire career in non-union mines and yet receive a pension if he managed to secure employment in a union mine for a single year immediately preceding his retirement although his participation in the creation of the Fund would be negligible. Such results are unfair and unreasonable and border on the absurd.

The Court concludes that the requirement in question is arbitrary and capricious, and should be set aside and held invalid. Since the plaintiff meets all the other requirements, he is entitled to a pension. Judgment will be rendered in his favor.

This opinion will constitute the findings of fact and conclusions of law. Counsel will submit a proposed judgment.

ALEXANDER HOLTZOFF,
U.S. District Judge.

APRIL 22, 1969.

CONTINUATION OF THE VIEWS OF MR. COOPER

Rather than leaving retired miners to pursue their remedies in the courts on a case-by-case, piecemeal basis, I would hope that in its study the committee would consider methods and procedures which would provide for the vesting of pension and other rights during the mine employees' term of employment as well as in their retirement, and procedures which would give the rank and file membership an active participation in the decisions of the fund's trustees and a means for appeal.

Second, I would suggest that the committee would wish to examine ways for improving the fiduciary standards and management responsibilities of the fund's trustees in the collection, deposit, investment, and distribution of the fund's moneys so that the mine employees who have worked so long and hard in the mines would receive the maximum benefits of their labors for themselves and their families. When I was a member of the Labor and Public Welfare Committee in 1958 and 1959, the committee reported and the Senate enacted the Welfare and Pension Plans Disclosure Act and the Labor-Management Reporting and Disclosure Act. During the committee's consideration of these bills President Eisenhower on several occasions recommended that there be included provisions that would impose a fiduciary responsibility on persons handling welfare and pension funds. I supported and voted for this requirement, but it was not adopted by the Congress.

I note that the Labor and Public Welfare Committee report at page 2 is critical of the Department of Labor for its refusal to take enforcement action under the Labor-Management Reporting and Disclosure Act during the preelection campaign of the recent United Mine Workers' election. I believe this criticism to be unfair and unjustified.

It should be pointed out that an investigation of an election case under section 601 of the Labor-Management Reporting and Disclosure Act could not lead to any enforcement action by the Department under any provision for the act unless and until the Department had received a post-election complaint from a member who had exhausted or attempted to exhaust the remedies available to him under the Constitution. Based on the results of its investigation the Department on March 5 filed suit in Federal court to set aside the election. In its proposed investigation of the recent United Mine Workers election, the Committee on Labor and Public Welfare will have an opportunity to examine the adequacy of the provisions of the Labor-Management Reporting and Disclosure Act in light of the events of this election with a view to recommending ways that the act's enforcement provisions may be strengthened and made more effective, particularly during the campaign period prior to a union election.

JOHN SHERMAN COOPER.

The resolution was agreed to, as follows:

S. RES. 360

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

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–720), explaining the purposes of the measure.

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

Senate Resolution 360 would authorize the expenditure of not to exceed $265,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from the date of its enactment through January 31, 1971—to examine, investigate, and make a complete study of any all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds.

A letter in support of Senate Resolution 360 addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Harrison A. Williams, Jr., chairman of the Subcommittee on Labor of the Committee on Labor and Public Welfare, is as follows:

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., February 19, 1970.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to express my hope that prompt consideration can be given to Senate Resolution 360, an original resolution which has been approved by the Committee on Labor and Public Welfare, reported to the Senate, and referred to your Committee on Rules and Administration.

This resolution would authorize the necessary expenditures for an investigation of the recent election in the United Mine Workers, as well as a general study of welfare and pension funds. Such investigation and study would be conducted by the Subcommittee on Labor.

Because of the great public concern which has developed over recent events relating to the United Mine Workers, I believe it important that our activities in this regard proceed as quickly as possible. Should the Committee on Rules and Administration desire any further information in connection with its consideration of this matter, I will be pleased to appear before the committee to answer any questions which its members may have.

With kindest personal regards,

Sincerely,

HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Labor.

Additional information concerning the proposed inquiry is contained in the report (S. Rept. 91–708) by the Committee on Labor and Public Welfare to accompany Senate Resolution 360, the pertinent portion of which (including the proposed budget) is as follows:

"Recent events have focused public concern upon charges that have been made of illegal activities on the part of officials of the United Mine Workers of America. Particularly prominent are the allegations, repeated under oath in some detail in hearings held by the Subcommittee on Labor on February 5 and 6, 1970, that numerous violations of the Labor-Management Reporting and Disclosure Act were committed by, or at the direction of, incumbent officials to insure their reelection in the election held by UMWA last December. These allegations include the use of violence, threats of reprisals, improper use of union funds and personnel for campaign purposes, improperly conducted nomination meetings, denial of the right to secret ballot, denial of autonomy to various districts and locals within the UMWA, collusion of employers and union officials in blacklisting dissident members, and use of improperly constituted locals to perpetuate incumbents' control."

As indicated by the record of the recent Labor Subcommittee hearings, details of these charges were repeatedly brought to the attention of the Department of Labor, beginning some 5 months before the election. The Department declined to exercise its investigative authority under section 601 of the Labor-Management Reporting and Disclosure Act, however, stating that it would follow its customary policy of staying its hand until after an election had been held.

While the Department of Labor did commence an investigation of the election shortly after death of the defeated candidate for the UMWA presidency, its delay in entering the case has raised serious questions concerning the adequacy of the Department's administration and enforcement of the Labor-Management Reporting and Disclosure Act.

It is, therefore, desirable that an oversight review be conducted of the administration of the Labor-Management Reporting and Disclosure Act with respect to the UMWA election, and that sufficient investigation be undertaken to resolve any questions which this election raises concerning the adequacy of the law or its enforcement. The scope and extent of such review and investigation will necessarily depend upon the outcome of investigations which it is understood are now being conducted by both the Department of Labor and the Department of Justice. Such review and investigation by this committee would be conducted with due regard for the need to avoid prejudicing those investigations by the Departments of Labor and Justice or any judicial proceedings which may result therefrom.

In addition to those charges involving UMWA officials which arise under the Labor-Management Reporting and Disclosure Act there have also been allegations of improper administration of the UMWA's welfare and retirement fund. These allegations include the following:

Of the fund's assets of $180 million, some $75 million has been kept on interest-free deposit in a bank which is controlled by the union, thus depriving beneficiaries of the fund of interest income which should have been available for benefits.

Fund money has been invested in companies in which trustees have a personal interest.

The fund has lent money to selected coal operators and coal-related companies.

Salaries and expenses are paid by the fund to friends and relatives of UMWA officials who perform little or no work.

Trustees have not taken proper steps to collect all royalties due the fund.

Decisions as to the payment of benefits are made in an arbitrary manner with no due process available to benefit applicants.

The fund's investment portfolio has been mismanaged and has lost money in a period of increasing investment values.

Benefits paid by the fund were increased without actuarial justification in order to obtain support for one of the trustees, who was running for reelection to the UMWA presidency.

The authority under existing law for the Department of Labor or the Department of Justice to investigate the validity of these charges respecting the fund, or to remedy any improprieties which might be found to exist, is limited. It is therefore desirable to undertake a general study of the present inadequacies of the protections afforded to welfare and pension plan participants and beneficiaries, with the allegations concerning this fund serving as a starting point. Such a study would look toward the development of appropriate legislation to provide such protections as are shown to be required, including fiduciary standards for welfare and pension fund administrators and Federal remedies to deal with breaches of those standards, and would include consideration of any bills dealing with welfare and pension funds which are pending before the committee.

The resolution makes appropriate provision for minority staff in connection with this investigation and study. A budget for the investigation and study follows:

BUDGET

Position	Number	Annual salary	Total for period of budget
STAFF			
Legal and investigative:			
General counsel or staff director	1	$28,689	$28,689.00
Special counsel (minority)	1	28,689	28,689.00
Chief investigator	1	28,689	26,689.00
Investigator	3	24,090	72,270.00
Editorial and research: Staff member (minority)	1	24,090	24,090.00
Administrative and clerical:			
Assistant chief clerk	1	11,169	11,169.00
Assistant clerk (secretary to director)	1	11,169	11,169.00
Assistant clerk (file)	1	11,169	11,169.00
Stenographer (minority)	1	11,169	11,169.00
Total	11		227,103.00

ADMINISTRATIVE

	Total for period of budget
Contributions to employees health benefit programs ($8.88 per month per employee)	$1,172.16
Contribution to civil service retirement fund (7½ percent of total salaries paid)	17,032.72
Contributions to employees Federal employees group life insurance (30 cents per month per $1,000 coverage)	817.57
Reimbursable payments to agencies	10,000.00
Travel (inclusive of field investigations)	3,500.00
Hearings (inclusive of reporters fees)	1,000.00
Witness fees, expenses	500.00
Stationery, office supplies	700.00
Communications (telephone, telegraph)	2,400.00
Newspaper, magazines, documents	250.00
Contingent fund	524.55
Total	37,897.00
Grand total	265,000.00

BETTER CONTROLS OVER DEFENSE PROCUREMENT

Mr. SCHWEIKER. Mr. President, as Congress begins its annual review of procurement requests, I believe it appropriate to speak at length on a subject which is of great national concern—defense spending—and the need to achieve better controls over the soaring costs of defense procurement, one of the two or three most important issues in the Congress.

The high cost of military procurement, with the sometimes scandalous cost overruns that double and triple the billion-dollar price tags for defense systems, is certainly a major factor in the inflation we now wrestle with. Obviously, bringing defense costs down, and eliminating the billions of dollars of waste, will help solve some inflation.

A paramount issue has become the reordering of national priorities. Because the cost of maintaining our national defense system amounts to more than 35 percent of our total national budget, it is imperative that steps be taken to eliminate wasteful spending, as opposed to that necessary for maintaining our national security. The elimination of such waste should be most helpful in making additional funds available in the fight to solve our domestic problems.

I cite a recent General Accounting Office report to the Congress which indicated that, although the original planning estimates on 38 major weapons procurement systems totaled approximately $42 billion, the current Defense Department estimate—through program completion—now totals almost $63 billion, an increase of 50 percent—a startling and shocking piece of information.

Equally disturbing is the fact that it took until 1970 for such a report to be made. For years, we have been wasting billions of dollars, and nobody knew, or reported it if they did know, that this money was going down the drain. In fact, nobody has bothered to coordinate major defense contracts, or to put one price tag on what they cost, or figure out how much this eventual cost had increased over what Congress was told they would cost when the programs were first authorized.

Well, the days of the blank check for the Pentagon are over. I, for one, have no intention of accepting any program without being provided with realistic cost estimates, an accurate analysis of problems that may raise the price, and much better arguments and analysis to justify the need for the program. If we are going to restore national priorities, free funds for our many domestic needs, and begin to curb inflation, we can only afford to buy defense systems, and improve existing systems, which in fact add to the preservation of our national security, and are not mere gadgets which someone feels would be nice to have.

Our debate last year on the ABM and other defense systems was one of the

most significant developments in the Congress in the last decade. Because, the merits or demerits of any specific weapons system aside, the debate represented a declaration of policy by the Congress that the blank check given defense programs in the past was going to be replaced by more accurate scrutiny. It showed that Congress would weigh national security, along with other budgetary needs, not to reduce our security, but to insure that excessive fat was eliminated so that other important priorities received a fair share.

If, because of the revelations of excessive costs and inefficient procurement practices, and because of the congressional debate, 1969 goes down in history as the "Year of the Defense Cost Overrun"—a title I believe it has already well earned—then 1970, I strongly hope, will be the "Year of Defense Cost Control."

When we talk about wasteful spending, inflation, and priorities, we are really talking about taxes. We are talking about giving the taxpayers something better for their money. One reason that Congress has had enough of cost overruns is that the taxpayers have had enough. And, if we in the Congress are to restore the confidence of the taxpayers in the efficiency and honesty of our defense procurement practices, we had better act fast.

Specifically, the taxpayers are demanding that one of the prime objectives of Congress this year ought to be to stem the tide of inflation. I believe that our efforts in the area of better control over defense spending can contribute substantially to reducing the inflationary spiral.

President Nixon has made clear his intention to reorder our priorities, and to do it within the context of a balanced budget. We desperately need additional funds to clean up our environment, to rebuild our decaying cities, to provide for our expanding educational needs. But before we just blindly spend more money, we must make savings wherever we can on the programs already underway. The defense budget excess is one of the chief sources for this kind of savings, as shown clearly by the GAO report on major weapon systems procurements.

It is for these reasons that I feel strongly the debate on military spending and defense procurement must not only be continued this year, it must be expanded. Our obligation to the citizens of this country—the taxpayers—demands closer scrutiny of the defense budget and a willingness to cutback on waste and fat.

I want to emphasize that during last year's debate, and this year as well, I know of no Member of either body who could fairly be accused of wanting to strip our country of an adequate defense. That is not the issue here, nor should it be. To the contrary, by focusing hard on defense projects, I think we can force more efficient military spending which can, in turn, help create a more effective defense system.

Why, all of us can fairly ask, is this kind of scrutiny just now appearing? Why did it take until 1969 for this kind of full-scale congressional debate over military procurement practices to surface?

During most of my previous service on the Armed Services Committee in the other body, hardly a question was ever raised about the justification or cost of a major weapon system. The feeling then seemed to be that, if the Pentagon experts wanted a particular system, then the Congress would accept their judgment, and pretty well give them what they wanted. It was almost axiomatic at that time that, if a particular Member of Congress seriously questioned the judgment of one of the military services, he was looked upon as a "unilateral disarmer" or, worse, one willing to place the security of the United States in jeopardy.

I believe this was all part of a trend. After the Second World War, and Korea, there was a steady, but perhaps imperceptible, trend toward letting the executive branch and its departments make the judgments as to what was needed to protect our national security, without the benefit of very much advice or leadership from the Congress.

Perhaps it is fair to say that this trend continued during the early 1960's, as the result of bringing to the Pentagon a man with broad experience as a major corporate executive, who, it was said, would "get the Pentagon organized." This lent credence to the belief that things were finally going to get better, and that there would at last be some rational judgments made as to our overall military posture and procurement.

Unfortunately, with the advantage of hindsight, I think it is clear that just the opposite has resulted.

The long and heated ABM debate provided the catalyst for the public attention that focused last year on our defense procurement system problems. But it was far from the only source of discontent.

In Senate Armed Services Committee hearings on the C–5A air transport, we learned that this project, which everyone indicated would be a successful plane, had nevertheless experienced a cost overrun of more than $2 billion. We learned that a Defense Department negotiated repricing formula for the second order of 57 aircraft would allow the contractor to make up the loss from the enormous cost overrun on the first order of planes. This practice had the Government actually encouraging inefficiency and higher costs. It had become common for contractors to "bid-in" unrealistically low prices to obtain lucrative contracts because the Pentagon, which subsequently had an interest in finishing the contract, would eventually bail them out of trouble. The contractor got his profit, the Pentagon got the military hardware, and the losing taxpayer got the bill.

Another event which disturbed many of us in Congress, and the public, was the long Pentagon battle to prevent a highly placed Air Force civilian employee, an expert in defense contract finance problems, from testifying before Congress. The battle ultimately cost this man his job, and the public lost a cost control force within the Pentagon.

Mr. President, I ask unanimous consent to have printed in the RECORD two appendixes to the GAO report provided to the Congress earlier this month—a list of the weapons systems selected for GAO study, and the cost estimates reported, in the selected acquisition reports for the period ending June 30, 1969. A study of these figures amply illustrates the magnitude of the problem.

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

LIST OF WEAPON SYSTEMS SELECTED FOR GAO STUDY

System	Mission	Status
Department of the Army:		
Aircraft:		
CH–47	Cargo helicopter	Production.
Cheyenne helicopter.	Close in ground/troop transport convoy escort.	Production-canceled.
UH–1H helicopter	Tactical transport helicopter	Production.
AH–1G Cobra helicopter.	Attack helicopter	Do.
Missiles:		
Shillelagh	Surface-to-surface antitank missile-main armament of the Sheridan tank.	Do.
Safeguard	Antiballistic missile	Operational system development.
Dragon	Surface-to-surface missile destruction of armored vehicles and other hard targets.	Development.
SAM–D	Surface-to-air missile—field army air defense system.	Advanced development.
Lance	Artillery support	Engineering development.
Tow	Destruction of armored and field fortifications—surface-to-surface air-to-surface guided missile.	Production.
Vehicles—Ordnance:		
M–551 Sheridan tank.	Armored reconnaissance/airborne assault vehicle.	Do.
M–561 Gama Goat	Vehicle to provide mobility for troops and equipment.	Do.

System	Mission	Status
Department of the Navy:		
Aircraft:		
S–3A	Carrier-based ASW aircraft	Development.
F–14	All-weather fighter	Do.
EA–6	ECM attack aircraft	Production.
F–4J	All-weather fighter	Do.
P–3C	Patrol ASW aircraft	Operational.
CH–46	Assault/transport helicopter	Do.
A–7E	Light attack aircraft	Do.
AN systems:		
AN/SQS–23	Sonar for surface ship detection and tracking of submarines.	Preproduction contrac awarded.
AN/SQS–26	Sonar for surface ship detection and tracking of submarines.	Production.
AN/BQQ–2	Sonar for nuclear submarines	Reproduction contract awarded.
Missiles:		
Phoenix	Long-range air-to-air missile	Prototype production.
Poseidon	Nuclear-guided missile	Production.
Walleye	Air-to-surface missile	Development.
Condor	do	Do.
Standard Arm	do	Production.
Subroc	Underwater-to-air-to-underwater nuclear depth missile.	Do.
Sparrow E	Air-to-air all-weather missiles	Operational.
Sparrow F	do	Development.

System	Mission	Status
Ordnance:		
Mark 46 torpedo	Antisubmarine warfare	Production.
Mark 48 model O torpedo.	do	Development.
Mark 48 model 1 torpedo.	Antisubmarine warfare	Development.
Ships:		
LHA amphibious assault ship.	Deployment of marine expeditionary forces in amphibious assaults.	Construction
CVA–67 aircraft carrier.	Attack carrier	Completed.
CVAN–68 aircraft carrier (nuclear).	do	Under construction.
CVAN–69 aircraft carrier (nuclear).	do	Partially funded (long leadtime items).
DE–1052 class escort ship.	Locate and destroy hostile submarines	Under construction or completed (46 ships).
DD 963	Fleet escort destroyer	Contract definition.
DZGN new guided missile frigate.	do	Do.
SSN attack submarine (nuclear).	Tracking and destroying enemy submarines.	Completed or under construction (37 ships).
Dept of Air Force:		
Aircraft:		
AMSA (advanced manned strategic aircraft).	Destruction of strategic targets with nuclear conventional ordnance; replaces B–52 bomber.	Concept formulation.
F–15	Air superiority fighter	Contract definition.
C–5A	Designed to carry large payloads and outsized cargo over long ranges for MAC.	Early production and flight testing.
F–111, FB–111, and RF–111.	Tactical support, strategic bombing, fleet air defense, air superiority, reconnaissance.	Production.
A–7D	Fixed wing, subsonic, light attack	Do.
AWACS	Provide airborne early warning of a bomber threat and command/control of tactical interceptor force.	Engineering development.
F–4E	All-weather fighter	Production.
RF–4C	All-weather reconnaissance aircraft	Do.
Missiles:		
Maverick	Destruction of tactical ground targets	Development.
Titan III	Space launch vehicles	Development essentially complete, 3 versions in production.
SRAM	Air-to-surface missile to strike primary targets and suppress antibomber defenses.	Advanced engineering development.
Minuteman II and III.	Destruction of strategic ground targets at intercontinental range.	Production.

SCHEDULE OF PROGRAM COST DATA APPEARING ON JUNE 30, 1969, SARS [1] AND ARRANGED BY ACQUISITION PHASE AND MILITARY SERVICE

[Dollars in millions]

	Planning estimates	Contract definition cost estimates	Earlier estimates adjusted for quantity changes	Current estimates through program completion
Concept Formulation:				
None of the 57 systems are in this phase as of December 23, 1969				
Contract definition (7):				
Army				
Navy:				
DD963	$1,396.55		$1,737.55	$3,350.3
CVAN 69	519.0		519.0	
DXGN	726.6			4,750.09
Air Force:				
B–1	8,800.0		8,800.0	8,800.0
F–15	6,039.0		6,039.0	7,700.0
AWACS	2,652.7		2,652.7	2,652.7
RF–111D	579.4		542.1	895.7
Engineering and/or operational systems development (50):				
Army:				
Dragon [2]	381.3	$425.5	464.4	832.8
Shillelagh	373.1	373.1	380.3	573.2
AH–1G	49.8	70.7	466.2	561.0
Safeguard	4,185.0	4,185.0	4,185.0	4,185.0
Gama Goat	69.1	168.1	369.2	373.6
Sheridan tank	388.7	398.1	548.0	689.6
Cheyenne	125.9	125.9	125.9	[3] 203.9
UH–1H	341.3	341.3	1,140.9	1,235.4
TOW [4 5]	410.4		366.8	944.7
Sheridan Ammo [4 6]	370.1			489.0
CH–47 helicopter [4]				1,323.7
Lance [4]	543.8		421.9	472.3
SAM–D [4 7]	4,816.5	3,910.0		3,372.1
Navy:				
P–3C	1,294.2	1,294.2	2,265.3	2,261.7
AN/BQQ–2	126.9	179.0	178.5	269.9
Sparrow E	687.2	740.7	265.6	258.1
Sparrow F	$139.8	$393.0	$246.3	$425.9
Phoenix	370.8	469.0	529.5	1,022.3
Mark 46–Mod 1	347.0	1,033.6	1,021.6	1,039.9
Mark 48–Mod 0	682.4	700.3	715.3	3,890.7
EA 6B	689.7	817.7	793.7	1,034.9
Walleye II	345.0	345.3	123.9	134.6
F–14	6,166.0	6,166.0	6,166.0	6,373.0
Standard Arm	180.3	241.6	220.0	250.7
S–3A	1,763.8	2,891.1	2,891.1	2,891.1
AN/SQQ–23	160.2	175.6	116.6	321.7
A–7E	1,465.6	1,465.6	1,421.5	1,919.1
Mark 48–Mod 1	70.7	71.6	71.6	111.1
Condor	117.2	126.0	126.0	167.0
F–4J	770.0	770.0	2,509.6	2,743.7
AN/SQS–26CX	95.7	88.8	95.6	119.6
CH46 E/F helicopter	323.6	589.0	577.1	550.6
LHA	651.0	1,346.5	1,346.5	1,379.4
DE–1052	1,285.0	1,259.7	1,259.7	1,286.1
CVA–67	310.0	280.0	280.0	307.8
CVAN 68 [4]	427.5	427.5	427.5	
Poseidon [4]		4,384.0		5,602.0
Subroc [4]		438.8	455.3	591.4
SSN 637 [4]			2,515.8	2,838.9
Air Force:				
Minuteman II	2,872.5	4,164.2	4,168.2	4,280.7
Minuteman III	2,678.1	4,339.0	4,060.3	4,226.0
C–5A	3,423.0	3,370.0	3,370.0	4,832.0
Maverick	257.9	391.8	213.1	274.7
A–7D	1,378.1	2,012.1	2,012.1	2,012.2
Titan III	932.2	745.5	745.5	1,130.5
F–111 A/C/D/E	4,686.6	5,505.5	2,941.9	7,401.3
FB–111A	1,781.5	1,781.5	655.7	1,218.5
SRAM [4]		261.1		1,470.1
F–4E [4]				2,630.8
RF–4C [4]				1,571.0

[1] Cost data presented in this schedu e recognizes DOD's and services' adjustments through Jan. 9, 1970.

[2] The cost estimates are from the SAR prepared by the Army Materiel Command since the Department of the Army had not approved the June 30, 1969, Dragon SAR as of Jan. 16, 1970.

[3] While this is the estimate appearing on the June 30, 1969, SAR it should be noted that, due to litigation, the Army's current liability is unknown.

[4] Systems in engineering and/or operational systems development and one or more of the program cost elements were omitted on the June 30, 1969, SAR.

[5] The TOW did not go through contract definition.

[6] The DOD considers this as an annex to the Sheridan vehicle and not a weapon system itself.

[7] Army officials advised us that, while the SAM-D has gone through contract definition, contract award has been limited to advance development.

Mr. SCHWEIKER. Mr. President, I should like to highlight at this time some of the information contained in these analyses, and then discuss some of the efforts currently underway to deal with the problems.

Following are just a few examples of what I am talking about. Take a look at the DD–963 program. The Navy intends to buy a number of fleet escort destroyers. The original planning estimate was approximately $1.4 billion. The current estimate is just over $3.3 billion, and a contract has not even been awarded yet

The original planning estimate on the F–15 fighter was about $6 billion. A contract has now been signed for $7.35 billion. The Army's Shillelagh missile, originally estimated at $373 million, has now been estimated to cost eventually $573 million. Costs on the Cheyenne helicopter, originally estimated at $125 million, were, as of last June 30, estimated at $204 million, an estimated increase of 60 percent, and that program has been canceled.

Here in another real eye opener. The original estimate on the Mark 48 torpedo—Mod O—was $682 million. Now, we are asked to accept the current estimate through program completion of almost $3.9 billion. And as of last June 30, the system was not even in production. Shocking, yes. Wasteful, undoubtedly. But unacceptable, most certainly.

Mr. President, this is the sort of thing we are faced with. And we had best not make light of it any longer, for the taxpayers certainly are not.

I commend President Nixon for his forthrightness and honesty when, during his state of the Union message, he

indicated, and I paraphrase him, that the major share of responsibility for our current inflationary problems rests with the policies that have been followed by the Government. We had better deal with this problem quickly and efficiently.

Now let me say that, having put all these dollars and cents figures into the RECORD, and I expect that we have not seen the last of them, I have some reason to believe that we are finally on the right track.

I have been among those who have seriously criticized what I feel have been totally inadequate and inefficient cost-management procedures on the part of those responsible for dealing with these problems. But, it would be unfair of me, particularly in view of the steps which have been taken recently, only to criticize.

During debate on the fiscal year 1970 military procurement authorization bill, I introduced, and with the help of many of my colleagues was successful in having approved by this body, an auditing amendment to the bill requiring quarterly reports to the Congress. The amendment required the Secretary of Defense, in cooperation with the Comptroller General, to outline and give specific information on contract cost estimates, increases in those cost estimates, options for additional procurement, causes for time slippages, changes in performance capability, and any other information which might be considered necessary, to provide the Congress with adequate and up-to-date information on the status of major defense contracts. The GAO was assigned a major responsibility for reviewing and auditing the progress and adequacy of this reporting system.

There was substantial opposition to this proposal in many quarters. My colleagues will recall that it was stricken from the final conference version of the bill which we passed. In the end we lost that battle. But I believe we are beginning to win the war. Let me illustrate. Early last year, my distinguished colleague, the chairman of the Senate Armed Services Committee, established procedures to receive reports from the Defense Department on many major contracts. These reports are coming to the committee on a quarterly basis, and are providing important information. With the help of personnel on loan from the General Accounting Office, the committee is now devoting substantial attention and resources to the problems in this area. In addition, the committee has recently added, to its staff, personnel with wide experience in the budgeting and accounting fields. I applaud these steps, and I feel sure that these developments, together with whatever future actions Chairman STENNIS proposes to take, will help give us the kind of information the committee really needs so that this body may be advised up to the minute, every minute.

I should like to say a word or two, also, regarding the efforts of my distinguished colleague from Connecticut, the chairman of the Government Operations Subcommittee on Executive Reorganization, Senator RIBICOFF. He held hearings on these problems last fall, after conclusion of the debate on the military procurement bill. He and I have discussed these problems on many occasions, and I believe his concern will be a major factor in strengthening the role of Congress and the GAO in the future.

Next, I believe that one step Congress can take to restore a sense of balance to some of these overextended programs is to institute controls over the present system of authorizing production funds before the research and development effort has proven that the system will work as required, and as advertised.

In too many instances, as we have so belatedly learned, program costs have skyrocketed because we were still trying to perfect the system, even after a contract had been awarded and production units were coming out of the factory.

I believe that the inefficiencies experienced so far in the concurrent financing of production, at the same time that research and development is still in progress, demand that Congress take steps to correct this most flagrant abuse in the procurement process.

In fact, the GAO has already begun to take some of the much needed steps. Their February 6 report to the Congress stated, in part:

> GAO believes that one of the most important causes for cost growth is starting the acquisition of a weapon system before it has been adequately demonstrated that there is reasonable expectation of successful development. Because of the substantial number of cases found, GAO concluded that DOD had not been effectively administering this process.

To me, this is one of the most significant statements in the GAO report. In essence, it says that the Defense Department has been buying systems before they even know whether the systems will work. It is the old blank-check approach. I ask Senators to think for a moment about that one. Can anyone think of a single corporation which would not have a stockholder revolt on its hands if it did business that way? No wonder the taxpayers of this country are upset. They have every right to be.

The GAO has indicated that it will add additional employees, and that it is going to closely monitor, on a continuing basis, the Defense Department's activities in this area. I strongly believe that we must continue to have a multipronged approach to this problem, and I am delighted that GAO has indicated a willingness to share a significant portion of responsibility for this effort. I recently heard one Defense Department official quoted as saying something to the effect that "if you want to shake up the people who are responsible for making sure that cost estimates are accurate and that contracts are not going beyond their planned costs, just keep a few GAO auditors around them." I certainly hope that that is the case, and if it is, then if there is one thing we need more of, it is GAO auditors.

Truth in military procurement. That is the issue, and if we lose sight of that, we are in real trouble. The GAO report cites widespread evidence, based on its review of the 57 systems, that faulty, and even incomplete, estimating was a major problem. I suppose it is natural that any government agency would want to come to the Congress asking for $10 billion rather than $20 billion, or $40 billion rather than $60 billion. They figure they have a better chance of getting the $10 billion than the $20 billion, or $40 billion rather than $60 billion. But, if a service comes to the Congress and says, "all right, we want $2 billion for this system," and that is approved, and then next year they come back and say, "Well, we are sorry, that $2 billion that we asked for last year will not be enough, we need another billion, then, where are we? They might as well have asked us for the $3 billion in the first place, and let us make our judgment on that basis at that time, and the system may not have been able to go ahead if we had known the true price tag before we started. Therein lies the difficulty of the whole system. I believe it is wrong, and I believe that we are only kidding ourselves and the taxpayers, if we continue to operate this way much longer.

Thus far I have talked about efforts being made by congressional committees, or agencies responsible to the Congress.

Let me now discuss some of the efforts being made by the Department of Defense itself which I hope, and believe, will make a significant contribution to this effort. Secretary Laird has personally assured the Armed Services Committee of his very strong interest in having the Defense Department "police its own beat." As one of his former colleagues in the other body, I know that he is just as sensitive as I am, and as you are, Mr. President, to the cry of the taxpayer who thinks he is being taken for a ride. The selected acquisition reports—SAR's—which the Defense Department has started providing to the Congress and to the GAO, are proving most useful in terms of seeing where we stand on a regular quarterly basis. It has been pointed out, and Secretary Laird recognizes, that these reports need improvement—the latest C–5A panic situation is a good illustration to prove that—and that, in and of themselves, they will not do the total job. They do offer a useful measuring stick as to the scope of the problem, and I expect that as further revisions are made in them, they will prove even more useful.

The Department is also utilizing development concept papers—DCP—which describe major weapons systems requiring more than $25 million of research and development, and more than $100 million of production funds. These DCP's are used to provide the Secretary of Defense and the service Secretaries and other high-level officials with the information they need at certain stages in the weapons procurement process so that they can make decisions based on facts and not on someone's hopes. With honest and appropriate preparation, I believe that these tools will be most useful to the Department, and should save the taxpayers money in the long run. Supporting the DCP process is a new management process called the Defense Systems Acquisition Review Council, made up of key DOD officials, whose responsi-

bility it is to make the final judgment as to whether a "go" or "no go" decision will be made on a system before it goes into production.

All of this leads me to believe that there is some cause for hope. But we are not out of the woods yet. Let me outline quickly a few thoughts that come to mind which could be of help in this whole problem area. First, and Assistant Comptroller General Robert Keller discussed this matter before Senator PROXMIRE's subcommittee last December, there is the "should cost" concept. Given a reasonable expectation of efficiency and contractor performance, what should a new weapons system cost the taxpayer? What should materials cost? How much should the contractor charge the Government for employee labor? Not how much does he want to get paid, but rather, what does the job that he is doing actually cost? Studies that have been made in this area indicate that we are nowhere near the "should cost" basis. The "learning curse" has too often been the basis for making contract estimates. Much more attention should be given to "should cost," and the GAO has indicated that they intend to go into this in much more detail.

I also believe, and have suggested, that consideration be given to the establishment of a subcommittee on military procurement practices. I believe that such a subcommittee could have major responsibility for oversight and evaluation of a number of areas, including contract costs on major acquisition programs; methods of improving and making more nearly uniform the separate services' internal auditing procedures and reports to the Congress; evaluating the adequacy of the Armed Services Procurement Regulations; eliminating duplication between the services when they are working on the same type of weapon system or research and development effort, and an on-going review of the ratio of competitive to single-source procurement. As a matter of interest, during fiscal year 1969, approximately 60 percent of Defense Department procurement was on a noncompetitive basis.

Still another meaningful step, I believe, would be to substantially revise the in-service management of our major program acquisitions in one very important respect. Because of the nature of military service, and the desire for career advancement on the part of officers, officers are normally assigned to a particular job for a period of perhaps 2 or 3 years, and then are reassigned to another type of job, or to another command. One of the most unfortunate results of this procedure is that a major, long-range procurement program may end up having two, or perhaps three, or perhaps even more, project managers running it before it reaches completion. It seems to me that there are some very obvious drawbacks to this kind of arrangement. First of all, responsibility cannot be placed on one individual from the start to the finish of the program. It strikes me that one individual, and one individual only, ought to be charged with such responsibility. Hold one person to account for every facet and decision of a program from start to finish, and I believe that many of the problems that we are now experiencing would disappear. I would also suggest that, wherever necessary, steps be taken to absolutely assure that the project manager be totally qualified to do the job. Perhaps the services ought to be thinking in terms of developing a corps of officers who do nothing but manage major procurement systems, or perhaps civilian experts should be given this great responsibility.

Our military services have an unexcelled supply of fine officers. But it seems to me that managing a multimillion- or multibillion-dollar procurement program requires different qualifications from those necessary to lead troops in the field, or to command a fighter squadron, or command a flotilla of ships. I do not believe that adoption of these alternatives will give us all the answers we need, but I believe they would be a start, and I urge this body to consider and debate them.

Mr. President, in concluding, I would like to leave a few more thoughts with my colleagues.

When my auditing amendment was being discussed on the Senate floor last August, I raised the question: "Are we going to take some fiscal responsibility for supervising these huge amounts of money, as is done for other departments?

Government sometimes moves slowly. Sometimes it moves not at all. But in this case, I believe we are at last beginning to move. The President, the Secretary of Defense, my distinguished committee chairman, and other committee chairmen, the Comptroller General, and many others have indicated their desires to see these problems solved. With general agreement among those people, and with concerted action by the Congress, we can meet our responsibilities to ourselves and to our constituents. But it is a long step between agreeing that something should be done, and actually taking the important steps necessary to do it. This is why I said earlier that I believe there is some cause for hope at this time. But I would like to leave my colleagues with one thought. All of us from time to time receive mail from those who feel that the Congress talks too much, and acts not enough. Some believe that the Executive talks too much, and acts not enough.

The cost of living continues up, and all too often, our constituents feel that their representatives are letting them down. I believe that we should change both of these situations, and I believe that we must.

When I sought election to this body, I made a pledge to my constituents that if I found something wrong with the system, I would do my best to change it to make it more responsive to our needs and our problems. I believe that there are a number of things wrong with our military procurement system, and it is our responsibility to change them.

I hope that I have presented a fair and accurate picture of where I think we stand on this important problem and of the great amount of unfinished work remaining before us.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly, so that I will not infringe on the time of the distinguished Senator from Maine?

Mr. SCHWEIKER. I am delighted to yield.

Mr. MANSFIELD. I want to commend the distinguished Senator from Pennsylvania for the forthright, candid, and very worthwhile remarks he has made this morning. This effort is certainly in keeping with the effort he began on the Senate floor last year during the debate on the Defense bill. I think he is moving in the right direction. Every effort to stop waste and inefficiency should be commended. I want to assure Senator SCHWEIKER of my complete support.

I think I should say, in all candor, that the President and the Secretary of Defense are doing an excellent job in this area, all things considered, but I think a little encouragement from here would help. With his remarks this morning, the distinguished Senator from Pennsylvania has indeed performed an outstanding public service.

Mr. SCHWEIKER. I thank the Senator. I appreciated his support of my auditing amendment. His encouragement to me meant a great deal at a key time. I appreciate his comments at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maine (Mrs. SMITH) is recognized for 15 minutes.

Mrs. SMITH of Maine. Mr. President, I shall not be taking all of my 15 minutes. If the majority leader would like to take some of my time, I would be glad to have him do so.

Mr. MANSFIELD. I appreciate the offer. I do not need the time.

THE PERSONNEL CUT AT THE PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH of Maine. Mr. President, the personnel cut at the Portsmouth Naval Shipyard is disturbing.

I don't see how anyone could improve on the statement of the senior Senator from New Hampshire, and nothing in my statement makes any reference whatsoever to him.

I have talked with the White House and the Department of Defense on this matter. In fact, I have repeatedly talked with the Secretary of Defense urging that the 1964 McNamara-Johnson closure order be rescinded.

Before issuing a statement on this 1970 cut, I studied the cuts at other major Government shipyards. I found that all of them were cut.

For example, the Boston Naval Shipyard is being cut down to the same number of 6,000 civilian employees targeted for June 30, 1971, as the number targeted for Portsmouth—6,000—the Philadelphia Naval Shipyard will take a cut of 2,800, and the Mare Island, Calif., Naval Shipyard will take a 2,555 cut.

While the percentage cut for Portsmouth is 20 percent, that percentage is exceeded by the cuts of 25 percent at Philadelphia and 23 percent at Mare Island.

In view of these other cuts, I cannot conscientiously and rightfully contend that Portsmouth is being discriminated against as compared to other Government shipyards—as I could, and did, in the case of the 1964 McNamara-Johnson closure order against Portsmouth and which discrimination I proved by facts and statistics.

Nor can any of us contend that we are taken by surprise with these cuts. Anyone who read in the newspapers about the onslaughts of the Defense budget in the Senate last year by the critics of the Department of Defense and those who were pressuring to take away from defense to give to welfare spending and antipollution spending could see what was coming.

It was as plain as the nose on your face that money was going to be taken away from defense and given to the domestic welfare and antipollution programs.

With the exception of the Safeguard ABM, which I think is worthless, I opposed deep cuts in defense spending and defended the defense budget against the Senate attacks on it.

Nor can we of the Maine and New Hampshire congressional delegations be surprised, for Portsmouth has been living under the closure-10-year-phase-out McNamara-Johnson order for more than 5 years since its announcement on November 19, 1964.

In a way, since Portsmouth is under the closure order, it could be concluded that Portsmouth has fared comparatively well on this cutback in comparison with Government shipyards that have not been ordered closed—such as Boston, Philadelphia, and Mare Island.

It may be recalled that when I warned in a December 16, 1963, Senate speech a year in advance that a decision had been made by Defense Secretary McNamara to close the Portsmouth shipyard but that the decision would not be announced until after the 1964 November election, I was excoriated by a Portsmouth newspaper, denounced by a Senator, charging that I was deliberately "calculating to panic the employees," repudiated by another Senator, and contradicted by then Deputy Secretary of Defense Gilpatric.

Yet, just 16 days after the 1964 November election, the McNamara-Johnson decision to close Portsmouth was announced by Defense Secretary McNamara exactly as I had warned.

I have repeatedly talked with Secretary of Defense Laird urging him to rescind the post-election-1964 McNamara-Johnson closure order. On the basis of those talks, I have repeatedly stated publicly and privately that I saw no indication of any tendency to rescind that closure order. I have done so because I wanted to be as truthful and realistic with the people as possible, just as I unpopularly was with my December 1963 warning instead of getting their hopes up falsely with optimistic talk that I did not feel was justified.

As one who has fought against cuts in defense appropriations, I am in a far more consistent position to protest a defense cut in my State than some others. I am not in the politically hypocritical position of leading a fight for cutting defense spending generally but then militantly protesting any cut on defense spending in my State.

In all fairness, consistency, and political honesty, how can any Senator or Representative pressure for large cuts in defense spending so that the money can be diverted to domestic welfare programs and fighting pollution and on the other hand demand special treatment for military and naval establishments in his State or district and oppose any economy and defense cut moves with respect to his State or district?

In all good conscience, how can any of us support cutting everyone else but demand special exemption for ourselves?

If there are to be cuts, I expect Maine to take her equitable share of the cuts directed toward greater economy, better domestic welfare and antipollution programs, and fighting inflation—and I think that the unselfish people of Maine feel the same way.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. I also ask unanimous consent that, pending the arrival of the senior Senator from California, the junior Senator from California (Mr. CRANSTON) be recognized briefly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized.

HOW WE OBSERVE THE GENEVA ACCORDS

Mr. CRANSTON. Mr. President, yesterday the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT), rendered a very valuable service in discussing Laos, and introducing a resolution relating to our military activities there. Among other things, he cited the fact that we are not fulfilling any treaty obligations in going to the assistance of Laos. I would like to point out that, even worse, we are violating a treaty signed by our Nation by the military actions we are now taking on the ground and in the air over Laos.

I ask unanimous consent to have printed in the RECORD at this point the relevant passages from the Geneva Accords.

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

EXCERPTS FROM GENEVA ACCORDS

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

2. Undertake, in particular, that

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

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

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

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

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

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

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

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

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

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

For the purposes of this Protocol

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

Mr. CRANSTON. The President stated, in his report on Laos last Friday, that the North Vietnamese were escalating the Laos campaign in violation of the Geneva accords. Any introduction of military personnel into Laos is a violation of those accords. We are escalating, too, in violation of the accords.

I suspect that the first to violate the accords were the Communists or North Vietnam. I presume this although I do not know it. Conceivably we had military personnel in there, or began to recruit the Meo mercernaries, before the Communists moved in from outside.

This did not happen, I point out incidentally, under the Republican administration of President Nixon. Except for the current escalation, the violations began under a prior, Democratic administration.

The Communists deny that they are violating the Geneva accords; so we deny that we are violating the Geneva accords. If we consider that the Geneva accords are null and void because of Communist violations of them and what

we have deemed as the necessity to take counteraction, let us say so. If our position is that we are not violating the accords by what we are doing there, let us say so. But the fact is that the President, in his Friday report, while not admitting that we are violating the Geneva accords, did admit that we are doing certain things which are in violation of the precise language of the accords, which I referred to earlier and which will be printed in the RECORD.

I suggest that the United States clear the air, be straightforward, and acknowledge that we are violating the Geneva accords in Laos, or that we consider them null and void. Let us have the United States stop copying the Communists, and set a higher standard of honesty and truth in international affairs.

The fact that we are violating the accords would seem to be tacitly admitted by the fact that the U.S. Embassy in Laos, a while back, printed and released in that country a copy of the protocols to the declaration of the neutrality of Laos. Our Embassy left out the article which, when read, would be plainly recognized as the article that we are violating. When this was pointed out to the Embassy, they said it was a mistake and they reprinted the protocols in full, including the omitted portion that contains the precise parts of the Geneva accords that we are violating by our actions in Vietnam.

I ask unanimous consent to have printed in the RECORD the false, incomplete version of the Geneva accords that our Embassy circulated in Laos.

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

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

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

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

Have agreed as follows:

ARTICLE 1

For the purposes of this Protocol

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

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

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

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

ARTICLE 2

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

ARTICLE 3

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

* * * * *

ARTICLE 5

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

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

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

Mr. CRANSTON. I also ask unanimous consent that the omitted article 4 be printed in the RECORD.

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

ARTICLE 4

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

Mr. CRANSTON. Let me say in closing that I have no quarrel with the CIA, I have no quarrel with the AID, and I have no quarrel with the DOD, about what they are doing in Laos. Brave men in all three agencies are risking their lives doing deeds they believe to be in the national interest.

I quarrel with Presidents, Republican and Democratic alike, who do not exercise adequate civilian control over the deeds and policies of these agencies. I quarrel with Presidents who do not inform the public, the people of our country, fully of our acts—American acts—in world affairs. I quarrel with Presidents who do not set a high standard relating to treaties solemnly signed by our Nation.

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

Mr. CRANSTON. I am delighted to yield to the Senator from Tennessee.

Mr. GORE. I have listened with great interest to the address of the able Senator from California.

I wonder if it had occurred to the Senator that, from a description of U.S. actions in Laos, it would appear that the United States has done in Laos precisely what is proposed ultimately to be done in Vietnam, under what is called Vietnamization.

According to the President's statement and other information available, the United States has provided military advisers; has provided training; has provided weapons; has provided logistic support; has provided air combat support for ground operations; and has provided helicopter service and support, supplies, and B–52 bombings. In other words, it would appear from the record that all of the supportive operations ultimately contemplated in some indefinite future for Vietnamization has already been done in Laotianizing the Laotian war. Laotianization has failed.

The Pathet Lao seems to have vanquished from the Plain of Jars the Royal Laotians—that is, the Pathet Lao plus the North Vietnamese.

This raises, it seems to the senior Senator from Tennessee, questions, if not doubts, about the advisability and probable success—and also questions about point of time—about Vietnamization.

I just wanted to call to the able Senator's attention the parallel of programs in these two adjacent, small countries.

Mr. CRANSTON. I thank the Senator from Tennessee, I believe that what he says is exactly the case.

What I fear is occurring, and what seems to be occurring, is that this administration is beginning to repeat in Laos the mistakes that were committed in Vietnam by previous administrations. This administration did not start the war in Laos. They are following through on what was begun under a prior Democratic administration. They send in military advisers who wind up engaging in combat, and use air power massively to bomb, and that is exactly what happened in the Vietnam war.

THE AIR TRAFFIC CONTROLLER CRISIS

Mr. MURPHY. Mr. President, the Senate has continued to be aware of the very serious circumstances faced by our Nation's air traffic controllers and this Senator, for one, certainly can sympathize with the workload they are called upon to undertake. Today, I would remind Senators that we should not dim the focus on their situation. Nor should we put off finding solutions to these increasing problems. They should be faced up to and solved.

Just a year ago, my colleague, the Senator from Massachusetts (Mr. BROOKE), pointed out that:

Air traffic in the United States is rapidly approaching a critical stage; in some areas of high-density traffic, crises already exist.

I can assure Senators that this is the fact. Not long ago, I flew to New York City in bad weather; and in order to avoid traffic, we tried to land at an airport in Westchester. Suddenly, as the clouds cleared away and the sky opened, I thought I was in the middle of Times Square. Never in my life had I seen so many aircraft in a small area, and I have been using aircraft since 1919. I assure my colleagues that I was greatly concerned.

In many areas the system is handicapped by a lack of sufficient competent personnel to operate essential positions and direct aircraft movement. Many controllers are working overtime hours, and their resources are being so overtaxed that their efficiency necessarily suffers. It is becoming increasingly difficult to attract new men of high caliber who possess the skill and stamina necessary to function in this delicate and essential function.

Air traffic controllers in California have pled their case eloquently and most convincingly. We have heard of their heavy load and the Senate is continuing to consider legislation to relieve the pressure; legislation which in one form or another is badly needed.

Obviously, the air traffic controller's conditions have not visibly improved since this matter came to public attention. For example, many airports now are operating additional parallel runways, yet we have not had a corresponding increase in the number of controllers on station to handle the resultant greater traffic. The major cities in my State—Los Angeles, San Diego, and San Francisco—report more landings and takeoffs each month, and accordingly the workload grows.

Because of the individual pressure on each controller, we now know that his effectiveness is pretty much limited to 20 years—a short career by any standard. Coupled with the knowledge that every controller has thousands of lives in his hands each working day, we simply cannot overlook the seriousness of the controller's situation in the simple interest of safety.

Recently, the air traffic controllers, especially those represented by the Professional Air Traffic Controllers Organization have very forcefully made their case known to the public and to the responsible officials of our Government.

I am heartened that Secretary Volpe and FAA Administrator Shaffer report progress with the representatives of the air traffic controllers, and I am hopeful that they may establish the equity of their position without resorting to the outmoded method of the strike. As an active member of labor organizations for 25 years, I have felt that there is a better way to settle these problems; and if there is not, one must be found immediately. The consideration of the public comfort, the public welfare, and the general economy of the country must come in first place in these matters. We need a better way to settle this most important situation, and Secretary Volpe's remarks are encouraging.

It would be my hope that representatives of the Committee on Commerce could meet with representatives of the Department of Transportation immediately in order to examine the facts and make proper recommendations and take action so as to avert possible air tragedies or the necessity of the inconvenience of a strike which would cripple air traffic across this great Nation.

I thank my distinguished colleague.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. TALMADGE). The pending business is H.R. 4249, extension of the Voting Rights Act of 1965, and the pending question is on the amendment of the Senator from Alabama (Mr. ALLEN) to the amendment offered by the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be taken out of the limitation.

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

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which will be stated by title.

The BILL 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.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, is the question before the Senate the question on agreeing to the amendment offered by the junior Senator from Alabama?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, will the Chair ask that the amendment be stated again?

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The junior Senator from Alabama (Mr. ALLEN) proposes amendment No. 552, as follows:

> Amend section 305 to read as follow:
> SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1973.

The PRESIDING OFFICER. How much times does the Senator from Alabama yield to himself?

Mr. ALLEN. Mr. President, I yield myself so much time as I may require out of the time allotted to me on the amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I favor setting the voting age in the United States for all elections at the age of 18 years. I feel that our young people are better qualified, they are more knowledgeable, and they are more interested in government and civic and public affairs than I was when I was that age.

I believe that it is only fair and right and proper that the voting age should be set at age 18. In the home State of the junior Senator from Alabama, by Act of Congress our registrars are required to register for voting every person in the State of the age of 21 years of age at the present time without literacy tests, without the ability to read or write, and without any great degree of mental awareness.

That requirement has been placed on the people of Alabama by the Federal Government. And the Senator from Alabama feels that it is certainly not fair to require the registering of all people 21 years of age, no matter what the degree of their intelligence or mental awareness, and deny the right to vote to alert, knowledgeable, educated boys and girls of the age of 18 years. So, the junior Senator from Alabama strongly favors setting the voting age at 18 throughout the country.

To that end the junior Senator from Alabama is one of the cosponsors of Senate Joint Resolution 147 by the distinguished senior Senator from West Virginia (Mr. RANDOLPH), which would submit to the States a constitutional amendment setting the voting age at 18 throughout the Nation.

The junior Senator from Alabama favors this method of changing our basic constitutional law. Any attempt to change this voting age by statute would run counter to four provisions of the U.S. Constitution which give to the State by necessary implication the right to set the qualifications of voters in the respective States.

Article I, section 2 and section 1 of article II of the Constitution, and amendments 10 and 17, place this right, this power, this obligation within the power of the respective States.

The States should have this power and this authority. It is a power and authority that has been recognized under our Constitution for over 180 years, since the adoption of the Constitution in 1789.

After the War Between the States, a constitutional amendment was submitted dealing with the franchising. When the women of the country were given the right to vote, that right was conferred by constitutional amendment.

When the poll tax was barred as a requirement for voting in Federal elections, that provision was put into our basic law by a constitutional amendment.

So the junior Senator from Alabama believes that such an important, such a basic, and such a fundamental right as the right to vote should be defined by the States.

This thought would be carried forward with a constitutional amendment because it would take ratification by three-fourths of the States, and, if the States want to make that change, three-

fourths of them favoring the proposal could ratify the amendment.

The 19th amendment, the woman suffrage amendment, as the distinguished Senator from West Virginia yesterday pointed out, was ratified by the necessary three-fourths of the States in 15 months. So this amendment setting the voting age at 18 could easily be submitted to the people and to the States. The method of submission would control whether it was submitted to conventions in the States or the respective legislatures; and the adoption could be easily had prior to the 1972 presidential election.

It is expressly provided in the Mansfield amendment that it does not become effective until January 1, 1971. Therefore, this right, supposedly conferred upon the young people by this statute, would not come into play until after the general elections of 1970.

It is unwise, in my judgment, to handle this matter by statute. Not only is it an invasion of States rights, not only does it run roughshod over the Constitution which gives the States the power to set qualifications of voters; but also it is dangerous, and it is on very thin ice as far as the Constitution is concerned.

Let us assume that the statute is enacted. Let us assume that the Congress does pass this statute providing for the voting age to be set at the age of 18. Let us assume that 5, 6, or 7 million young people of the age of 18, 19, or 20 go in and register and vote in the national election of 1972.

Let us assume that several days after that election the Supreme Court, in its great wisdom, declared this statute unconstitutional, and it is found that 5 million young people have illegally voted in that election. Where would the presidential election be under those circumsances? What sort of confusion would that cause? Who would the President be? How would it be ascertained how many young people voted for one candidate and how many voted for another candidate?

On the other hand, if the pending amendment were adopted, it would set the effective date of this statute, this statutory method of changing the Constitution—and that is what it is, changing the Constitution by statute, and the junior Senator from Alabama submits that cannot be done.

What sort of confusion would reign in this country? Who would the President be? Now, if the pending amendment were adopted, it would set the effective date of the amendment at January 1, 1973, after the next presidential election. This would give the Congress ample time to go ahead and handle this matter in the proper fashion of submitting a constitutional amendment. I dare say, in all sincerity, if that were done, the constitutional amendment would be submitted and ratified long before the effective date of this act and long before the 1972 presidential election.

What is the hurry? They could not vote in 1970 under the provisions of the statute itself. This would postpone the effective date until after January 1, 1973; and in all probability the constitutional amendment would have been adopted long before that time.

Over 72 Members of the Senate—it was 72 at last count—are cosponsors of the constitutional amendment, and it takes only two-thirds of the Senate to pass a constitutional amendment. The amendment is now in the hands of a subcommittee headed by the distinguished Senator from Indiana (Mr. BAYH), who stated on the floor of the Senate that he strongly favors the amendment—in addition, I might say, to favoring the statute, as well. He states a majority of the members of his subcommittee favor the proposal. The Senator from West Virginia states that a majority of the Committee on the Judiciary favor the amendment. The chairman of the committee states that, if the majority of the committee are for the amendment, he will not stand in the way and will report it to the Senate.

When proposed legislation leaves the committee and is reported to the Senate, the distinguished majority leader sets the flow of consideration of legislation. I think we could very safely assume that the distinguished majority leader, favoring as he does the granting of the voting franchise to those who are 18 years of age, would give prior claim, prior standing to any such amendment, and the Senate would go ahead and vote to submit the amendment. So there is no hurry. There is no reason for a statute, aside from the fact that it goes counter to the Constitution, in the judgment of the junior Senator from Alabama.

Another thing, Mr. President, that occurs to me is that this important proposed legislation does not come before the Senate as a separate piece of legislation. It has not been considered by a committee of the Senate. The Senate does not have the benefit of the views of a Senate committee. It is tacked to a highly controversial bill. I would like to have the stamp of approval of this proposal by the Committee on the Judiciary before voting in favor of handling it by statute; and even if we received any such report I would still reserve the right to vote as I construe the Constitution. But I would like to have the benefit of the recommendation of a committee on the proposed legislation, and not have it merely tacked on to a highly controversial measure such as the so-called amendments to the Voting Rights Act of 1965.

I am a great believer in the efficacy of the committee system of the Senate. Before I came to the U.S. Senate I had great admiration—and still do—for the great committees of the Senate. I admired the committees from afar. Since coming to the Senate, in conversations with my friends from my home State, I have been asked what some of the differences are between the Alabama senate and the U.S. Senate. I have told them that a great deal of the difference is in the committee system. Legislation is referred to committees, it is studied, it is worked on, it is polished, research is done, and when a bill leaves a committee, it is in the best possible shape; whereas in the State of Alabama and in the State senate, we do not have these large, elaborate, and extensive staffs to advise the committees, and much of the legislative process takes place on the floor of the State senate. I said, "Not so here in the U.S. Senate. Most of the work is done in the Senate committees."

With that thought in mind, I have looked forward to having the recommendation of the Judiciary Committee of the Senate on this legislation, rather than have it tacked onto the Voting Rights Act of 1965 amendments.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. ALLEN. Yes. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I hope it is a convenient place to interrupt.

Preliminarily, let me say that due to the pressures of various matters, I have not had a chance regularly to attend the debate on the pending bill and these amendments, but, coming in as much as I could, I want to commend the Senator from Alabama for the thoroughness of his work on the bill and for the clarity of the arguments I have been able to hear. It certainly indicates a fine understanding of this far-reaching subject matter as a whole, and it shows an expert knowledge of the Constitution of the United States.

I am glad to hear more of the arguments. I have arranged to hear more of the debate, because I have felt the need of it.

I am supporting the Senator's amendment No. 552. I know it is highly important.

As I understand it, the Senator is not attacking the entire amendment offered by the distinguished Senator from Montana, but the amendment would just move the provisions forward until January 1, 1973.

Mr. ALLEN. That is exactly right.

Mr. STENNIS. So as to put the provision beyond the forthcoming presidential election.

Mr. ALLEN. That is exactly correct, yes.

Mr. STENNIS. I think it is very timely.

I do not agree, as the Senator from Alabama does not agree, with the amendment of the Senator from Montana in this respect. It seems clear to me that there is only one way to reach the end that the Senator from Montana has in mind, and that is through the constitutional amendment process; but there could be disagreement, and I know it is honest disagreement, among the membership on that question. But, by all means, this matter should not be tied up. Its uncertainty, its constitutionality, and the survival of this provision, the change in the qualification of electors, should not be tied up and involved in the forthcoming presidential election.

That is the primary reason why the Senator has offered this proposal. Is it not?

Mr. ALLEN. That is exactly correct.

Mr. STENNIS. It is certain, it is just as clear as daylight, that this question will be contested. It is a great constitutional question. Is it not?

Mr. ALLEN. It is, indeed.

Mr. STENNIS. It will be challenged, and it should be passed on, should it become statutory law, by the Supreme Court of the United States. Does not the Senator agree with that?

Mr. ALLEN. Yes, that is correct. It

should be, and doubtless will be, passed on by the U.S. Supreme Court.

Mr. STENNIS. Those matters ordinarily take a great deal of time. The question may come up in several cases. May it not?

Mr. ALLEN. That is correct.

Mr. STENNIS. If cases are pending, does not the Supreme Court frequently wait until it gets the full import of more than one case before it on a grave constitutional question?

Mr. ALLEN. That is correct. It must be a justiciable controversy; it cannot be an advisory opinion, of course.

Mr. STENNIS. I know the Senator has worked this out. I really had not thought about this part of the question much until this morning, when I heard his argument.

The Senator said something about 5 million registrants who could be declared disqualified shortly before the election.

Mr. ALLEN. Or shortly after, for that matter.

Mr. STENNIS. Yes. I was going to take that question in two parts. It would be bad enough to have the registrants disqualified just before the election, but does not the Senator think it would be far worse for a holding to come out shortly after the election, disqualifying the people who had already voted?

Mr. ALLEN. Very definitely, and doubtless would lead to a contest of the presidential election that would make the Hayes-Tilden contest look like an election in a Sunday school class by comparison.

Mr. STENNIS. I know we argue over and over—and it is well that we do—about the elecetoral college and about the possibility of a strong third contender throwing the election into the House of Representatives. On the question of delay alone, assuming the House would act fairly promptly, an almost unbelievable situation could result, could it not, between the November election and the choice by the House of Representatives, which could not convene until January 3?

Mr. ALLEN. It is fraught with great danger to this Republic.

Mr. STENNIS. And it could involve international affairs of the most sensitive, positive kind.

Mr. ALLEN. And for what reason? What do we accomplish by going this route?

Mr. STENNIS. We already have that problem, so to speak, in our Constitution and in our laws. Would not the passage of this measure without the Senator's present amendment create another hazard of really far greater proportions?

Mr. ALLEN. It certainly would.

I would like to say to the distinguished Senator from Mississippi that the argument has been advanced on this floor by some of the supporters of the statutory method of amending the Constitution—strange as that term may sound—that they believe the Supreme Court will uphold the statutory method of amending the Constitution. But I would hope that between now and the time that this amendment is ruled on, or this statute is ruled on, by the Supreme Court we might have a different complexion to the Supreme Court and that we would have men on that Court who would follow the Constitution more faithfully and rigidly, and that this amendment would be stricken down by the U.S. Supreme Court.

I thank the distinguished Senator for his comments.

I would like to point out to the distinguished Senator a further reason for setting the effective date of this statutory change as January 1, 1973; that is, that that would allow ample time for Congress to submit a constitutional amendment and have it ratified, and by the terms of that constitutional amendment wipe out the statute. We would then operate under the constitutional amendment prior to the effective date of the statute. The constitutional amendment would be ratified prior to the 1972 election, so that 18-year-old boys and girls could vote in the next presidential election. There would be ample time to do that by the constitutional amendment route without the inherent dangers that the Senator from Mississippi has sought to point out.

Mr. STENNIS. Yes. Will the Senator yield further?

Mr. ALLEN. Yes.

Mr. STENNIS. According to the information I have the proponents of the constitutional amendment are preparing to move forward with the enactment of that provision, Congress being willing.

Mr. ALLEN. Very definitely.

Mr. STENNIS. Regardless of the outcome of the Mansfield amendment.

Mr. ALLEN. That is true.

I should like to point out to the Senator from Mississippi that if there were a statute providing for a January 1, 1971, effective date, as the distinguished majority leader's amendment now provides, and a constitutional amendment were then submitted to the people, young people would be registering all over the country, and they would not understand why a constitutional amendment was coming forward. There would then be a good chance that people would say, "We already have provided the right for 18-year-olds to vote under a statute. What is the use of ratifying a constitutional amendment?" As a result, the constitutional amendment might be lost by reason of the States not ratifying it. Then the Supreme Court might strike down the statute. Talk about disillusionment: the young people would have had the right to vote for a few months, and would then have it taken away from them.

Mr. STENNIS. The Senator has well stated that problem; and it is true that all the confusion that could come about would be very much against the amendment, because it does have to be adopted by three-fourths of the States.

Mr. ALLEN. That is true.

Mr. STENNIS. And there would be confusion compounded among the 50 State legislatures as to what they were passing on, after all.

Mr. ALLEN. I think it would complicate a great deal the constitutional process of submitting the amendment back to the people, and would seriously endanger the eventual ratification of the constitutional amendment, because the people would say, "What is the use of it? We have it under the statute. Why do we need it under the constitutional amendment?"

Mr. STENNIS. But under the amendment offered now by the Senator from Alabama, if it is agreed to, and the Mansfield amendment as amended is agreed to, we would have the statutory enactment and the constitutional amendment proposal both moving along at the same time, but neither one yet operative.

Mr. ALLEN. That is exactly right.

Mr. STENNIS. Until January 1, 1973, which would give ample time for the States to ratify.

Mr. ALLEN. Except that a constitutional amendment could become operative before that time, if it was ratified.

Mr. STENNIS. Well, it would depend upon the wording of it, of course.

Mr. ALLEN. Yes.

Mr. STENNIS. But if we saw fit to coincide those dates, that would still be less than 2 years.

Mr. ALLEN. Yes. But it would be the desire of the junior Senator from Alabama that the constitutional amendment be ratified prior to the 1972 elections.

Mr. STENNIS. Yes.

Mr. ALLEN. So that the young people could register and vote in that election. I think it is important that they do so.

Mr. STENNIS. Well, there could be some argument about that, perhaps. But anyway, to a degree, if the amendment of the Senator from Alabama is agreed to, they would both be moving along together in maturity, so to speak, without this compounded confusion.

Mr. ALLEN. That is exactly correct.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. ALLEN. I appreciate very much the comments made by the distinguished Senator from Mississippi.

Mr. STENNIS. I support the Senator's amendment.

Mr. ALLEN. And I appreciate the Senator's support. I hope that the other Members of the Senate will support the amendment also.

I was able to obtain the support of one of my amendments by the distinguished majority leader. I have not checked with him this morning to find out his attitude on this amendment. It is hoped that he will recommend its approval, and see the wisdom of this approach and of allowing time for the processing, submission, and ratification of the constitutional amendment. If no other purpose has been served by the discussion, it has certainly shown that the vast majority of the Members of the Senate do favor setting the voting age at 18, as at least 72 Senators have indicated by their cosponsorship of Senate Joint Resolution 147, the constitutional amendment route.

What is the use of taking a chance on the confusion that may be caused? Assume that the pending amendment is agreed to, not to become effective until January 1, 1973. There is no reason whatsoever that that would not give ample time for Congress to submit the constitutional amendment or prevent its being adopted in time for the 18-year-olds to participate in the 1972 presidential election.

Again, Mr. President, I suggest that we are seeking to accomplish an end that some believe to be meritorious; and

I certainly am one of those who feel that the end to be accomplished, setting the voting age at 18, is a laudable and meritorious end.

Where the junior Senator from Alabama disagrees, however, is in the choice of the means for achieving that end. The proper means, in the judgment of the Senator from Alabama, to achieve the end sought to be achieved, is to submit the constitutional amendment.

Let us consider the matter from the standpoint of the young people involved. Do they want a right conferred on them that, at best, is of dubious constitutional authenticity? Do they want a right conferred on them that may be drawn back? Shall we say to the young peope of this country, "Under the amendment of the majority leader, we are conferring this right to vote on you; we feel it might be constitutional, but it may not be"?

What would be their reaction to having that right or privilege conferred on them, and then having it suddenly withdrawn from them? Why not go the constitutional amendment route? Why not, if insistence is made on the use of the statutory method of amending the Constitution, set the effective date at January 1, 1973, to give ample time for following the constitutional amendment route?

Mr. President, we are critical, from time to time, of our Federal judiciary. We are critical of the highest of the Federal courts, the Supreme Court, for some of its rulings; and I daresay that the junior Senator from Alabama has probably been as vocal in his criticism of some of the rulings of the Supreme Court as any other Senator or any other citizen. We criticize the Supreme Court for legislating instead of construing. We accuse them of enacting laws rather than interpreting them.

We are critical of the judiciary and particularly of the Supreme Court, whence these decisions of questionable merit emanate. We are critical of their usurping the powers of the executive and of the legislative branch of our Government. But here we disregard, in the judgment of the junior Senator from Alabama, four clear provisions of the U.S. Constitution with regard to the right of the States to set the qualifications of the voters within the respective States.

In the home State of the distinguished Senator from Georgia (Mr. TALMADGE), who is presiding over the Senate at this time, the legislature, in its wisdom, saw fit to set the voting age at 18. I applaud that State for having set that voting age. But that was done by the State legislature. That was done because of the power reposed in the State and not in the Federal Government.

Suppose the legislatures of the various States want to keep it at age 21. They would be saying to the legislatures of the 48 States, I believe, that have the 21-year requirement or standard, if the Mansfield amendment is adopted, "We do not care one bit how your State feels about this matter. We are changing the voting age to 18—no matter if your Constitution sets it at 21."

Most State constitutions do make that provision. It is governed, I assume, in more cases than not by constitution rather than statute. So the States have set this qualification by constitution, showing how basic, how inherent, and how fundamental is this right of setting the voting age. The States would be giving their acquiescence to a change if the constitutional amendment route is followed, because it would take three-fourths of the States to ratify the constitutional amendment; and that then would be the States themselves making the change, though it might not satisfy one or more States. If three-fourths of the States would ratify the amendment, it would be declared ratified.

Mr. President, it has been pointed out that the amendment offered by the distinguished majority leader has to do with the voting age, and he seeks to set that by statute at 18; whereas the junior Senator from Alabama favors the voting age being set at 18, but set by constitutional amendment. That is the chief difference as to the amendment of the Senator from Montana. However, the distinguished Senator from Montana, the able majority leader, has seen fit to attach his amendment to the Scott substitute to the administration's voting rights bill.

The voting rights bill of the administration, H.R. 4249, provides for a nationwide voting law; whereas, the Scott amendment seeks to leave that confined to the seven Southern States involved. So, by seeking to tack this amendment onto the voting rights legislation, this amendment has become subject to extensive probing and discussion—possibly more discussion than would have taken place had the amendment been offered as a separate piece of legislation, referred to a committee, and reported by that committee to the floor of the Senate. I dare say that such a separate bill, having reached the floor of the Senate and having been called up—as I feel sure it would have been—by the distinguished majority leader, would already have been passed by the Senate. Choosing, however, to attach his amendment to the highly controversial voting rights legislation has made it subject to somewhat more discussion than ordinarily would have been the case.

Let us consider, then, the bill and the amendment thereto, the Scott amendment, to which the Mansfield amendment is attached. The Mansfield amendment, of course, is tacked onto these amendments, and discussion of them would be appropriate at this time, in the judgment of the junior Senator from Alabama.

The Voting Rights Act of 1965 was passed, and certain States were placed under an automatic triggering provision that held, as a matter of law, that these States, because they did not comply with a certain mathematical formula, were automatically guilty of discrimination in registering and voting processes in their respective States. What was this formula? They worked out the formula after they decided the States they wanted to cover by the act. They decided that they wanted to cover Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana. They decided that they would get up a formula based on how many citizens of those States were registered to vote on November 1, 1964, and how many actually voted in the November 1964 election. They found that all those States except the great State of North Carolina had fewer than 50 percent of their voting age population voting in the election. Thirty-nine counties in North Carolina did not come up to that criterion.

They found that the great State of Texas—I am delighted that Texas is not in this formula; I am just recounting past history as it has been related to the junior Senator from Alabama, because I was not here at that time—had only some 44 percent of their voting age population registered and voting in 1964. Well, how to apply it to the seven States I have named without applying it to the great State of Texas? Well, they decided that they would require a literacy test in addition to the percentage of those voting in the general election of 1964. Of course, Texas had no literacy test so it took the concurrence of the two, the literacy test and fewer than 50 percent of the voting age population voting, because Texas had no literacy test, and so they were not included. I am delighted that they were not. I wish more States had been excluded from it.

In those seven Southern States, Federal registrars, Federal election observers, and Federal poll watchers were sent in to every State, I believe, except Virginia. I believe the record will show that no Federal official or bureaucrat has ever been sent into that State. In the other States, they were sent in.

Mr. President, at this point I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. President, it is provided that in the seven Southern States which are automatically covered, not one single bit of proof was required of actual discrimination. By act of Congress, they were declared to be guilty of discrimination and the voting registrars, the poll watchers, and the Federal observers were sent into the Southern States.

Now, Mr. President, they are seeking by the Scott amendment, to which the Mansfield amendment is sought to be added, to change the measure or the degree or the amount of proof required for a State to come out from under the automatic triggering device of the Voting Rights Act of 1965.

It is provided in the act which was passed in 1965 that if a State comes into the Federal court in Washington, and proves that for 5 years before the filing of its petition it had not used a voting device to discriminate against would-be voters, then, under certain conditions, if the Attorney General of the United States acquiesced, they would release the State from the provisions of the act, but they would maintain and hold jurisdiction of the States for an additional 5 years. In other words, put us on probation. But if anyone came in and said they were discriminating down in those States, they would reopen the proceedings and we would be back under the proceedings again.

So the Scott amendment to the Voting

Rights Act has erroneously been referred to as a bill or an amendment to extend the provisions of the Voting Rights Act. I say that is erroneous because it does not extend the provisions of the Voting Rights Act. There are 19 sections of the Voting Rights Act and every single one of those is a permanent section. Some say four and five are not permanent, but read the sections, and there is not one single word said about either of those sections or any of the remaining 17 sections ever expiring by lapse of time.

What the Scott amendment does is not to extend the provisions. It changes or seeks to change by the amendment the amount of proof that a State has to make, in order to come out from under the discriminatory provisions of the act. That is changed from 5 years to 10 years, requiring a State, then, to petition the court in Washington for release from the terms of the act and show no use of a literacy test for 10 years, although we all know that they had them up until they were banned by the 1965 act. So they are changing the sentence, just as though the State were an individual sentenced to the penitentiary—and we are under just about that sort of humiliating condition—a person sentenced to the penitentiary for 5 years and he sees daylight toward the end of that 5 years, but here we are in the month of March, and on August 7 of this year we could go into a Federal court and petition to get out from under the discriminatory provisions of the act, but they come in and say, "No, we are going to add 5 years to your sentence," just as they might add 5 years to the sentence of a prisoner about to be released from prison.

So, it is not an extension of the same provisions of the act. If they get to the point that they seek to extend the provisions of he act for 5 years, the junior Senator from Alabama will consider support of such a plan, because that would still leave us with the 5-year provision of nondiscrimination and we certainly would have no difficulty proving that.

Mr. President, I yield such time to the Senator from Mississippi (Mr. STENNIS) as he may desire.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Alabama for yielding me this time.

Mr. President, I have made a special analysis of the amendment. Regardless of which way the vote goes, whether the question will be settled by a constitutional amendment passing Congress and then being rejected by the States or approved by the States, or a statutory act being adopted on the floor of the Senate, we will head on, then, to a certain contest in the legal forums, eventually finding its way to the Supreme Court for decision.

Regardless of which route it takes, it seems to me that commonsense clearly dictates, and commonsense almost demands, that here now, while there is a chance to eliminate uncertainty, to eliminate the chance of the gravest kind of error as to the presidential elections, to eliminate the chance of confusion as to the newly enfranchised citizens under this proposal, if it passes, these things, it seems clear to me, all amount to a demand that we should strike them all from the board and do the commonsense thing of following this provision and setting it over beyond the presidential elections of 1972, allowing ample time for everything to move in an orderly way during that intervening period, thus avoiding all this chance that we would be taking as to the uncertainty of a presidential election that would have to be decided, possibly, by a commission.

I have a great deal of regard and interest in the young person, and consideration should be given to him. I do believe it would be the worst thing that could happen to have a provision adopted here that would allow the franchise and then experience the bitter disappointment that would come to millions if the law were to be declared invalid.

But even beyond that, we have a situation already existing in our Constitution, as I see it, in which there is a chance that no one under our present system would be chosen for President or Vice President and that the determination would have to go to a House of Representatives that was elected the same day and could not legally convene for 60 days.

In international affairs that would create an unthinkable hazard to the people of the world. In domestic affairs it would create confusion. In the business and industrial world and in every other aspect of life which the Federal Government touches—and they are many—it would cause uncertainty and confusion. Pandemonium could be caused with regard to certain subject matters.

I do not think this should be done. While we have a chance to do so, let us keep our feet on the ground. I know that the motives of the Senator from Montana are very high and the very best. And that is so with those who have joined him as cosponsors. However, let us decide which side we will be on as to the amendment and the constitutional amendment.

Let us lay the whole matter aside and study the whole structure and thus lend certainty to the matter and give the people time and give the courts time to pass on this matter, and let it be upheld or invalidated in an orderly way without these terrific consequences I have already partly outlined, but which the Senator from Alabama has fully outlined with reference to our Federal Government.

I think the Senator has contributed a great deal in offering the amendment and certainly in his debate.

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

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I did not mean to take all the time. I am sorry.

Mr. MANSFIELD. Mr. President, many ghosts and hobgoblins have been created in this Chamber. Many promises have been made. Some promises have not been kept.

From time to time illusions have been created, and one of the greatest illusions is what has been said about turning down the amendment offered by the Senator from Montana. It is an amendment many others have joined in cosponsoring. The argument goes that the Judiciary Committee will forthwith report a proposed constitutional amendment seeking to lower the age for voting to 18. It is even suggested that there will be no trouble in obtaining House approval of such a proposal, even though the chairman of the appropriate House committee has indicated—and I recall press reports to this effect—that he is against 18-year-olds voting, regardless of how the ballot is extended to them. And lo and behold, some time this year we will have a constitutional amendment which will have been approved by two-thirds of the membership of both Houses and within 2 years it will have been confirmed by three-fourths of the legislature of the 50 States.

There is a good deal of talk of trips nowadays. But that is a pretty long trip. And the constitutional amendment process seeking to lower the voting age to 18 has been one of many pitfalls and has produced nothing in the way of actual achievement.

I recall the great furor in this country that was raised at the end of the last presidential election for a direct vote for the Presidency.

I have noticed since then that various other arguments have come up, that the possibility of getting this constitutional amendment out has been decreased somewhat and the possibility of getting it through both Houses during this session of Congress has become an unreality.

So I would not be taken away with the thoughts, promises, or encouragement of the moment. But I would like to stick to the facts, and I would like to see the Senate bite the bullet on the issue of allowing the 18-year-olds to vote.

There have been some questions raised about why these youngsters should be given this opportunity and this right to exercise the franchise; this conferring of a duty, so to speak. And I do not look at it in that way, because I think all Americans are born free—at least are supposed to be under the Constitution—and all Americans have equal rights. And as far as the age of 21 is concerned, it has been fully arbitrary and of no realistic value, in my opinion, in the light of the intelligence, the idealism, and the educational achievement of the youth of today.

Incidentally, that 21-year-old idea, I think, is based on the fact, according to what I can find out, that in England during medieval times, it was thought one had to be 21 years old to bear the weight of arms and armor.

Since that time, of course, armor has gone out of style. It still appears in museums and it is still worn to a certain extent in Vietnam and elsewhere where some of our men wear metal vests for protection. But these are 18-year-old men and as most of our young men of today they are still wearing armor in some form—either literally or figuratively. They are still loaded down with responsibilities and worries and concerns. And as one who is above the age of 30, I am interested in these youngsters and I want to see them given a share of

responsibility, a small share of responsibility, so that they can from within participate in the making of the policies they are called upon to undertake and execute on behalf of our Government; policies laid down in this Chamber and at the other end of the avenue as well.

The youngsters today are being discriminated against just as women were until a few decades ago, just as the slaves were until a century ago. I think it is about time that this discrimination be lifted and that youngsters from the age of 18, young men and women, be given the right to exercise the franchise. Although they cannot serve on juries during that age period, they are tried, nevertheless, as adults in the courts and are subjected to the full penalties of the law.

They are eligible for the draft during that period, but they are not eligible to serve on draft boards until they are 30 years of age. And incidentally, speaking of the draft, it is my information that approximately half of the combat deaths in Vietnam come within the age group of 18 to 21.

As far as voting is concerned, I think it is the most significant symbol of being an adult. I think this responsibility should be given to these youngsters not as a prerogative, but as a right and obligation.

There are close to 13 million Americans between the ages of 18 and 21. And I think that most of these young people can and should be allowed to vote.

I would ask my colleagues to consider a parallel situation that seems rather perplexing; why should a 50- or 60-year-old illiterate be allowed to vote when we have high school and college graduates in the 18- to 21-year-old classification, some with degrees, certainly all of them with a great deal of knowledge, who are not being allowed to vote? I think these young people would treasure that right more and that they would do what they could to provide a reinvigoration within both parties, and both parties can stand some new vigor. They would bring in new blood, new ideas, clearer vision, and less of a tieup with the polices of the past which have brought us so much wce and caused us so much ruin.

I believe the amendment which I have introduced along with the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Kentucky (Mr. COOK), and others would do a good deal to breach the gap between the older and younger generations.

As far as the "What is the rush?" question is concerned, the answer to that is that this proposal in the form of a constitutional amendment has been buried deep within the walls of the Committee on the Judiciary not for years but for decades, and unless something is done and done soon I am afraid its burial will continue for some years longer. So there is a need now.

We do have a proposal before us which faces up to the matter. For the first time the Senate will be given a chance to vote one way or another. I recognize that there are differences of opinion concerning the effective date of this proposal but the date proposed by the distinguished Senator from Kentucky (Mr. COOK) and made a part of the Mansfield amendment, I think, allows sufficient time for the courts, if they so desire, to interpret the constitutionality of congressional action. Because of Senator COOK's foresight more than adequate time is allowed for this purpose.

Therefore, I urge that the Senate retain the date set by the distinguished Senator from Kentucky (Mr. COOK) and vote down the amendment offered by my distinguished colleague, the Senator from Alabama (Mr. ALLEN).

Mr. KENNEDY. Mr. President, will the Senator yield to me for 3 minutes?

Mr. MANSFIELD. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to second what the distinguished majority leader has suggested, with particular reference to his remarks on the question of whether the pending amendment will cause any delay or uncertainty in elections.

An obvious precedent is the history of the Voting Rights Act of 1965. Although the 1965 act made major changes in the election laws of many States, I am not aware that it caused any unreasonable delay or uncertainty in any elections that were held before its constitutionality was settled by the Supreme Court. Yet, we heard time and time again in the debate over the 1965 act that we would have mass confusion in the elections around the country. The argument was made that there would be thousands of voters whose participation in the election was uncertain. It was said that we would not know if that act was legal or illegal, and that countless elections would be held up. We hear these same arguments applied today. But the precedent of the 1965 act demonstrates that such arguments are unpersuasive. The act was passed in August 1965, and the constitutionality of its provisions was not settled until many months later, well into the spring of 1966. Yet, as I have said, there is no evidence that the status of any elections was clouded. Today, the amendment we are offering is even less likely to cloud the status of any elections. In 1965, the act was not passed until August in the non-Federal election year of 1965. The bill now on the floor will in all probability be passed several months earlier in this year of 1970, but the effective date is January 1, 1971, for the voting age amendment, which is also a non-Federal election year. Thus, there is far more time allowed for a decision on the constitutionality of this amendment than there was on the 1965 act, before any elections could possibly be clouded by any uncertainty over it. I think we are meeting our responsibilities with respect to any possible unconstitutional uncertainty. We have gone far to insure that the electoral process will be secure and valid.

Mr. President, I see no reason whatever for a delay of 2 more years in the effective date, which is the direction and the thrust of the pending amendment. If this amendment is desirable at all, it should be enacted, as it is drafted at the present time, to go into effect in January of 1971.

There are also those who rise on the floor of the Senate and say that if we pass this amendment and then it is struck down by the courts because it is unconstitutional, we will cause great disappointment to our young people. I ask Senators to think of the disappointment of all young people if we do not pass this measure today or in the next ensuing days. What will be their disappointment then? American youth have been waiting almost 30 years for this change in the voting age, ever since the time when this proposal in the form of a constitutional amendment was first introduced before the Committee on the Judiciary. Think of the patience they have had. Now, this measure has come at last to the floor of the Senate. To those who suggest there is some possibility it may be struck down by the courts, I say that we do not believe it will be struck down. More important, I say this amendment may be our last real chance for many years to accomplish this vital goal. I doubt that there is any young person in America today who would say to us, "Don't pass the amendment, because my expectations will be disappointed if it is struck down by the courts."

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

Mr. KENNEDY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. MANSFIELD. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe the young people of this country want us to face our responsibility as the majority leader has stated, and to meet this issue today. I think the preponderance of the evidence is quite clear on the record of this debate that our present discrimination against 18-year-olds in the right to vote is unfair, and that we have the power to act by statute. In recent times, the Supreme Court has consistently expanded the suffrage, and has acted time and again to equalize the right to vote for all our citizens. Whether it has been the question of redistricting or striking down the poll tax, or the Morgan case, always the Supreme Court has been moving toward expanding the right to vote. Certainly it is reasonable for us to reach the conclusion that restricting the right to vote to those who are 21 years of age or older is a violation of the equal protection of the laws under the Constitution, because it unreasonably discriminates against those who are 18, 19, and 20 years of age.

Finally, let me say that we have written in to the Mansfield amendment a procedure by which this entire amendment will be tested expeditiously in the court. It will be given a speedy hearing before a district court, and the decision can be appealed directly to the Supreme Court.

When we look back at the poll tax, whose repeal the Senate rejected in 1965, and the other provisions of the 1965 act, we learn that the courts can act expeditiously. They acted within several months to strike down the poll tax. On the basic question of the overall validity of the Voting Rights Act of 1965, the act was held constitutional by the Supreme Court within only a few months after it was passed by Congress.

Indeed, we are providing sufficient time for this measure to be tested before it actually becomes operative under the effective date of the amendment. I believe that the Attorney General or a pri-

vate litigant has the authority to test the amendment in the Federal courts as soon as it is passed, without waiting until January 1971, the effective date. This advance test would not be an advisory opinion. It would not be unconstitutional under Marbury against Madison and that type of cases. It has enough elements of a real case or controversy. In fact, I am hopeful that the Attorney General will institute a test case as soon as the amendment becomes law.

Mr. President, with the greatest respect, I see no validity in the suggested delay offered by my good friend from Alabama (Mr. ALLEN). All the precautions that are necessary have been taken in the Mansfield amendment to prevent any clouding of elections.

In closing, Mr. President, let me say that I am extremely pleased that the Senate has at last been given the opportunity to express its will on the question of 18-year-old voting. For years, this basic issue—so important to millions of young Americans—was stalled in congressional committees, with little hope of passage by either the Senate or the House. Today, the Senate is being given that opportunity. I hope the amendment will prevail. If it does, then, beginning next January, 18-year-olds will be able to go to the polls in all elections, Federal, State, and local.

Today's Senate vote will be a vote of confidence in American youth. There can be no question that our 18-year-olds deserve the right to vote. Long ago, the age of maturity was fixed at 21 because that was the age at which young men were thought to be capable of bearing the armor of a knight. Strange as it may seem, the weight of armor in the 11th century governs the right to vote of Americans in the 20th century. The medieval justification has an especially bitter relevance today, when millions of our 18-year-olds are compelled to bear modern armor as soldiers, and thousands are dead in Vietnam.

I believe that our 18- to 21-year-olds are mature enough to vote. They are far better educated than their parents' and grandparents' generations. They are old enough to fight, to pay taxes, to marry, and to carry out many other basic responsibilities of citizenship. They are also old enough to exercise the right to vote, the most basic right in our society.

Mr. President, the amendment of the Senator from Alabama should be rejected.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Kentucky and then I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I thank the Senator. I shall conclude in less than 2 minutes.

The distinguished Senator from Massachusetts is entirely correct. In the Katzenbach against South Carolina case the Supreme Court issued its ruling in March of 1966, really for the benefit of South Carolina, which was facing a primary in June of 1966.

In that section of the 1965 act which called for removal of the poll tax in the States, that came under the provisions of the act that was decided in the case of United States against Texas in the spring of 1966. That was done expeditiously because of the law and the implementation of the law, or the confusion it might create.

My only other remark is that if I were assured the junior Senator from Alabama might vote for this bill if this amendment were agreed to, I would be a little bit more enthusiastic about it, but I think even if this amendment were agreed to we would not secure the support of the Senator from Alabama in this regard.

Therefore, I think we should look at the fact that we have given a specific time. We have created a legislative record and history for the Supreme Court to realize the position we are in, and the position we honestly and fairly are placing them in. I think they will live up to their responsibility, as well as I hope this body lives up to its responsibility.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 552 of the Senator from Alabama (Mr. ALLEN) to the amendment of the Senator from Montana (Mr. MANSFIELD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 15, nays 72, as follows:

[No. 97 Leg.]

YEAS—15

Allen	Ervin	Sparkman
Bennett	Holland	Stennis
Curtis	Hollings	Talmadge
Eastland	Hruska	Thurmond
Ellender	Jordan, N.C.	Tower

NAYS—72

Aiken	Brooke	Cotton
Allott	Burdick	Cranston
Anderson	Byrd, W. Va.	Dole
Baker	Cannon	Dominick
Bayh	Case	Eagleton
Bellmon	Church	Fannin
Bible	Cook	Fong
Boggs	Cooper	Fulbright
Goldwater	Mathias	Percy
Gore	McGee	Prouty
Griffin	McGovern	Proxmire
Hansen	McIntyre	Randolph
Harris	Metcalf	Ribicoff
Hart	Miller	Saxbe
Hartke	Mondale	Schweiker
Hatfield	Montoya	Scott
Hughes	Moss	Smith, Maine
Jackson	Murphy	Spong
Javits	Muskie	Symington
Jordan, Idaho	Nelson	Williams, N.J.
Kennedy	Packwood	Williams, Del.
Long	Pastore	Yarborough
Magnuson	Pearson	Young, N. Dak.
Mansfield	Pell	Young, Ohio

NOT VOTING—13

Byrd, Va.	Inouye	Smith, Ill.
Dodd	McCarthy	Stevens
Goodell	McClellan	Tydings
Gravel	Mundt	
Gurney	Russell	

So Mr. ALLEN's amendment (No. 552) was rejected.

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.

REPORT ON NATIONAL ESTUARY STUDY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–274)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Public Law 90–454, the Estuary Protection Act, I submit herewith a report forwarded to me by the Secretary of the Interior. This report, which is the first volume of a seven-volume study prepared by the Department of the Interior, documents the importance of estuaries of our country and the severity of their modification by man. It demonstrates the urgent need for prompt enactment of the bill for a comprehensive Coastal Zone Management System which the Secretary of the Interior submitted to you on November 13, 1969.

RICHARD NIXON.

THE WHITE HOUSE.

REORGANIZATION PLAN NO. 2 OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–275)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Government Operations:

To the Congress of the United States:

We in government often are quick to call for reform in other institutions, but slow to reform ourselves. Yet nowhere today is modern management more needed than in government itself.

In 1939, President Franklin D. Roosevelt proposed and the Congress accepted a reorganization plan that laid the groundwork for providing managerial assistance for a modern Presidency.

The plan placed the Bureau of the

Budget within the Executive Office of the President. It made available to the President direct access to important new management instruments. The purpose of the plan was to improve the administration of the Government—to ensure that the Government could perform "promptly, effectively, without waste or lost motion."

Fulfilling that purpose today is far more difficult—and more important—than it was 30 years ago.

Last April, I created a President's Advisory Council on Executive Organization and named to it a distinguished group of outstanding experts headed by Roy L. Ash. I gave the Council a broad charter to examine ways in which the Executive Branch could be better organized. I asked it to recommend specific organizational changes that would make the Executive Branch a more vigorous and more effective instrument for creating and carrying out the programs that are needed today. The Council quickly concluded that the place to begin was in the Executive Office of the President itself. I agree.

The past 30 years have seen enormous changes in the size, structure, and functions of the Federal Government. The budget has grown from less than $10 billion to $200 billion. The number of civilian employees has risen from one million to more than two and a half million. Four new Cabinet departments have been created, along with more than a score of independent agencies. Domestic policy issues have become increasingly complex. The interrelationships among Government programs have become more intricate. Yet the organization of the President's policy and management arms has not kept pace.

Over three decades, the Executive Office of the President has mushroomed but not by conscious design. In many areas it does not provide the kind of staff assistance and support the President needs in order to deal with the problems of government in the 1970s. We confront the 1970s with a staff organization geared in large measure to the tasks of the 1940s and 1950s.

One result, over the years, has been a tendency to enlarge the immediate White House staff—that is, the President's personal staff, as distinct from the institutional structure—to assist with management functions for which the President is responsible. This has blurred the distinction between personal staff and management institutions; it has left key management functions to be performed only intermittently and some not at all. It has perpetuated outdated structures.

Another result has been, paradoxically, to inhibit the delegation of authority to Departments and agencies.

A President whose programs are carefully coordinated, whose information system keeps him adequately informed, and whose organizational assignments are plainly set out, can delegate authority with security and confidence. A President whose office is deficient in these respects will be inclined, instead, to retain close control of operating responsibilities which he cannot and should not handle.

Improving the management processes of the President's own office, therefore, is a key element in improving the management of the entire Executive Branch, and in strengthening the authority of its Departments and agencies. By providing the tools that are needed to reduce duplication, to monitor performance and to promote greater efficiency throughout the Executive Branch, this also will enable us to give the country not only more effective but also more economical government—which it deserves.

To provide the management tools and policy mechanisms needed for the 1970s, I am today transmitting to the Congress Reorganization Plan No. 2 of 1970, prepared in accordance with Chapter 9 of Title 5 of the United States Code.

This plan draws not only on the work of the Ash Council itself, but also on the work of others that preceded—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee, and other Presidential task forces.

Essentially, the plan recognizes that two closely connected but basically separate functions both center in the President's office: policy determination and executive management. This involves 1) what government should do, and 2) how it goes about doing it.

My proposed reorganization creates a new entity to deal with each of these functions:

—It establishes a Domestic Council, to coordinate policy formulation in the domestic area. This Cabinet group would be provided with an institutional staff, and to a considerable degree would be a domestic counterpart to the National Security Council.

—It establishes an Office of Management and Budget, which would be the President's principal arm for the exercise of his managerial functions.

The Domestic Council will be primarily concerned with *what* we do; the Office of Management and Budget will be primarily concerned with *how* we do it, and *how well* we do it.

DOMESTIC COUNCIL

The past year's experience with the Council for Urban Affairs has shown how immensely valuable a Cabinet-level council can be as a forum for both discussion and action on policy matters that cut across departmental jurisdictions.

The Domestic Council will be chaired by the President. Under the plan, its membership will include the Vice President, and the Secretaries of the Treasury, Interior, Agriculture, Commerce, Labor, Health, Education and Welfare, Housing and Urban Development, and Transportation, and the Attorney General. I also intend to designate as members the Director of the Office of Economic Opportunity and, while he remains a member of the Cabinet, the Postmaster General. (Although I continue to hope that the Congress will adopt my proposal to create, in place of the Post Office Department, a self-sufficient postal authority.) The President could add other Executive Branch officials at his discretion.

The Council will be supported by a staff under an Executive Director who will also be one of the President's assistants. Like the National Security Council staff, this staff will work in close coordination with the President's personal staff but will have its own institutional identity. By being established on a permanent, institutional basis, it will be designed to develop and employ the "institutional memory" so essential if continuity is to be maintained, and if experience is to play its proper role in the policy-making process.

There does not now exist an organized, institutionally-staffed group charged with advising the President on the total range of domestic policy. The Domestic Council will fill that need. Under the President's direction, it will also be charged with integrating the various aspects of domestic policy into a consistent whole.

Among the specific policy functions in which I intend the Domestic Council to take the lead are these:

—Assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives.

—Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

—Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

—Coordinating the establishment of national priorities for the allocation of available resources.

—Maintaining a continuous review of the conduct of on-going programs from a policy standpoint, and proposing reforms as needed.

Much of the Council's work will be accomplished by temporary, ad hoc project committees. These might take a variety of forms, such as task forces, planning groups or advisory bodies. They can be established with varying degrees of formality, and can be set up to deal either with broad program areas or with specific problems. The committees will draw for staff support on Department and agency experts, supplemented by the Council's own staff and that of the Office of Management and Budget.

Establishment of the Domestic Council draws on the experience gained during the past year with the Council for Urban Affairs, the Cabinet Committee on the Environment and the Council for Rural Affairs. The principal key to the operation of these Councils has been the effective functioning of their various subcommittees. The Councils themselves will be consolidated into the Domestic Council; Urban, Rural and Environment subcommittees of the Domestic Council will be strengthened, using access to the Domestic Council staff.

Overall, the Domestic Council will provide the President with a streamlined, consolidated domestic policy arm, adequately staffed, and highly flexible in its operation. It also will provide a structure through which departmental initiatives can be more fully considered, and expert advice from the Departments and agencies more fully utilized.

OFFICE OF MANAGEMENT AND BUDGET

Under the reorganization plan, the technical and formal means by which the Office of Management and Budget is created is by re-designating the Bureau of the Budget as the Office of Management and Budget. The functions currently vested by law in the Bureau, or in its director, are transferred to the

President, with the provision that he can then redelegate them.

As soon as the reorganization plan takes effect, I intend to delegate those statutory functions to the Director of the new Office of Management and Budget, including those under section 212 of the Budget and Accounting Act, 1921.

However, creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new Office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources.

The new Office of Management and Budget will place much greater emphasis on the evaluation of program performance: on assessing the extent to which programs are actually achieving their intended results, and delivering the intended services to the intended recipients. This is needed on a continuing basis, not as a one-time effort. Program evaluation will remain a function of the individual agencies as it is today. However, a single agency cannot fairly be expected to judge overall effectiveness in programs that cross agency lines—and the difference between agency and Presidential perspectives requires a capacity in the Executive Office to evaluate program performance whenever appropriate.

The new Office will expand efforts to improve interagency cooperation in the field. Washington-based coordinators will help work out interagency problems at the operating level, and assist in developing efficient coordinating mechanisms throughout the country. The success of these efforts depends on the experience, persuasion, and understanding of an Office which will be an expediter and catalyst. The Office will also respond to requests from State and local governments for assistance on intergovernmental programs. It will work closely with the Vice President and the Office of Intergovernmental Relations.

Improvement of Government organization, information and management systems will be a major function of the Office of Management and Budget. It will maintain a continuous review of the organizational structures and management processes of the Executive Branch, and recommend needed changes. It will take the lead in developing new information systems to provide the President with the performance and other data that he needs but does not now get. When new programs are launched, it will seek to ensure that they are not simply forced into or grafted onto existing organizational structures that may not be appropriate. Resistance to organizational change is one of the chief obstacles to effective government; the new Office will seek to ensure that organization keeps abreast of program needs.

The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term. It will not deal with individuals, but will rely on the talented professionals of the Civil Service Commission and the Departments and agencies themselves to administer these programs. Under the leadership of the Office of Management and Budget there will be joint efforts to see to it that all executive talent is well utilized wherever it may be needed throughout the Executive Branch, and to assure that executive training and motivation meet not only today's needs but those of the years ahead.

Finally, the new Office will continue the Legislative Reference functions now performed by the Bureau of the Budget, drawing together agency reactions on all proposed legislation, and helping develop legislation to carry out the President's program. It also will continue the Bureau's work of improving and coordinating Federal statistical services.

SIGNIFICANCE OF THE CHANGES

The people deserve a more responsive and more effective Government. The times require it. These changes will help provide it.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in Section 901(a) of Title 5 of the United States Code. In particular, the plan is responsive to Section 901(a)(1), "to promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;" and Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in Section 102(c) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the Executive Branch who have similar responsibilities.

While this plan will result in a modest increase in direct expenditures, its strengthening of the Executive Office of the President will bring significant indirect savings, and at the same time will help ensure that people actually receive the return they deserve for every dollar the Government spends. The savings will result from the improved efficiency these changes will provide throughout the Executive Branch—and also from curtailing the waste that results when programs simply fail to achieve their objectives. It is not practical, however, to itemize or aggregate these indirect expenditure reductions which will result from the reorganization.

I expect to follow with other reorganization plans, quite possibly including ones that will affect other activities of the Executive Office of the President. Our studies are continuing. But this by itself is a reorganization of major significance, and a key to the more effective functioning of the entire Executive Branch.

These changes would provide an improved system of policy making and coordination, a strengthened capacity to perform those functions that are now the central concerns of the Bureau of the Budget, and a more effective set of management tools for the performance of other functions that have been rapidly increasing in importance.

The reorganization will not only improve the staff resources available to the President, but will also strengthen the advisory roles of those members of the Cabinet principally concerned with domestic affairs. By providing a means of formulating integrated and systematic recommendations on major domestic policy issues, the plan serves not only the needs of the President, but also the interests of the Congress.

This reorganization plan is of major importance to the functioning of modern government. The national interest requires it. I urge that the Congress allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *March 12, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Curtis W. Tarr, of Virginia, to be Director of Selective Service, which was referred to the Committee on Armed Services.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed a bill (H.R. 15945) to authorize appropriations for certain maritime

programs of the Department of Commerce, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce, was read twice by its title and referred to the Committee on Commerce.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 551

Mr. MILLER. Mr. President, I call up my amendment No. 551, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment as follows:

On page 2, strike from lines 7 and 8 the words "voting in any primary or in any election—" and insert in lieu thereof the following: "full rights and responsibilities" of citizenship".

Mr. MILLER. Mr. President, I yield myself such time as I may require.

First, I would like to say in complete frankness that I think the author of the pending amendment, the distinguished majority leader, understands why there are a number of us who, in good conscience, cannot support a change in the voting eligibility rights by a statute.

I listened with great interest and considerable agreement to some of the arguments he has made, arguments which—

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Arguments which I myself could make if I were a member of my State legislature; or which I myself could make if the pending measure were a proposed constitutional amendment.

There was one thing that particularly appealed to me about the arguments of the Senator from Montana. Over and over again, he has talked about the "responsibilities" that the young people should assume. I am offering this amendment, not for the purpose of doing any harm to his amendment at all, but, while with the understanding that I cannot in good conscience support the Mansfield amendment, with the objective of trying to make it into a better measure so that, if it is passed by Congress and if it is upheld by the Supreme Court, we will have a better measure on the books.

Under my amendment, the declaration set forth in the Mansfield amendment would read as follows:

The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to full rights and responsibilities of citizenship

"(1) denies and abridges—

And so on.

To me, this matter of 21 years or 18 years has to do, not just with voting, but with the full rights and responsibilities of citizenship. The Senator from Montana has, in his remarks, time after time called attenion to responsibilities. I fully agree with that. But there is not a word about responsibilities in his amendment. If my amendment were agreed to, we would talk about full rights and responsibilities of citizenship in connection with this matter of age.

I suggest that probably the highest right and responsibility of citizenship is the right and responsibility of voting. However, there are other inherent features of full citizenship.

Paragraph 1, line 9, of the Mansfield amendment refers to the denial and abridgement of the inherent constitutional rights of citizens 18 years of age and over. I suggest that in addition to the voting right and responsibility there are other inherent rights and responsibilities, such as jury service. Unless there is something in the statutes that I am not familiar with, I believe that once a person is an eligible voter, that person then is eligible for not only the right but also the responsibility of jury service.

Marriage: It seems to me that if a person is old enough to vote, he is old enough to enter into a contract of marriage.

Inheriting property in their own name: In many States now, unless a person is 21, he cannot inherit property in his own name, and a guardian or a trustee has to be established.

Legal and binding contracts: This is both a right and a responsibility. In many States, unless one is 21 years of age, a contract is not enforceable.

The jurisdiction of juvenile courts: In some States, juvenile courts have jurisdiction over people 18 years of age. It seems to me that if a person is old enough to vote, that person is old enough to get out of the jurisdiction of a juvenile court. I will say that most States, to my knowledge, do not go up as high as 18 years of age for juvenile court jurisdiction, but some do.

The coverage of State child labor laws: It is my understanding that in a few States child labor laws cover up through the age of 18, and possibly 19.

I suggest, Mr. President, that these rights and responsibilities are just as inherent—constitutional rights and responsibilities—as that of voting. They are just as much protected by the due process and equal protection of the laws guarantees under the 14th amendment as the right and responsibility of voting.

It seems to me that when Congress makes a declaration of policy having to do——

Mr. KENNEDY. Mr. President, will the Senator yiled on that point?

Mr. MILLER. I yield.

Mr. KENNEDY. Is the Senator suggesting that the age to consume alcoholic beverages is equivalent to the Senate of the United States reducing the voting age to 18?

Mr. MILLER. No; I have not said anything about that. If the Senator from Massachusetts was listening to my arguments, I was pointing out such things as marriage, inheriting property, legal and binding contracts, jurisdiction of juvenile courts, and coverage of child labor laws.

I know that there are some who have argued this point. I do not make that argument.

Mr. KENNEDY. Is the Senator's proposal limited to the five categories he has mentioned?

Mr. MILLER. No; I am not limiting that, necessarily. As a matter of fact, I was going to mention another one—hunting and fishing permits. In some States, if one is 18 years of age or under, there is a special fee.

Mr. KENNEDY. The Senator is equating this with reducing the voting age to 18?

Mr. MILLER. I am pointing out that there are rights and responsibilities that are just as inherent in citizenship as voting. But this is my point. Voting is such a tremendously responsible and important right that if we are going to cover voting, a fortiori, all these others ought to come along.

What I am trying to do is to point out that when we make a declaration of policy in Congress, a national policy, regarding the deprivation of rights on account of age, it seems to me that, instead of confining it to voting rights, we ought to talk about full rights and responsibilities of citizenship.

Furthermore, this declaration will fit with the rest of the amendment, because in paragraph (b) it says:

In order to secure the constitutional rights set forth in subsection (a).

Those rights are referred to when we talk about full rights and responsibilities of citizenship.

Mr. President, as I have said, I offer this for the purpose of improving the amendment. To me, this is a very awesome and historical declaration of policy by Congress. I do not believe that we ought to confine our attention only to the rights and responsibilities of 18-year-olds with respect to voting. We would have a better declaration of policy if we talked about full rights and responsibilities of citizenship.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes; thereafter it would be my intention to yield back the remainder of the time and bring this matter to a conclusion.

May I say to my distinguished colleague the Senator from Iowa that jury service and other responsibilities for 18-year-olds are propositions with which I think I might agree. So far as marriage for 18-year-olds is concerned, I am all for it. I do not know of a State in the Union in which people of that age cannot get married, and in some States matrimony is permitted at a younger age.

Mr. MILLER. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. MILLER. I believe that in some States the consent of one or both parents is required.

Mr. MANSFIELD. If so, it is the case in very few States. But, by and large, I think it is a generally accepted tenet that young adults can be married at 18 on the basis of their own desires and wishes.

Contracts, I think, may fall in the same category.

As to juvenile and adult courts there

may be differences; but, by and large, the age of 18 is the mark of differentiation between the jurisdiction of a juvenile court and courts that try adults. If one is 18 or over, he is considered an adult, he is tried as an adult and he must suffer the penalty of laws designed for adults.

I do not know too much about child labor laws, but I imagine that they do not apply to a person 18. One would have to be even younger, it is my guess, to be treated as a child under the child labor laws. Their application covers those anywhere up to 10 and 16, generally speaking.

The proposal to which the Senator seeks to offer his amendment, I would point out, deals with voting rights for 18-year-olds. The bill and the Scott substitute deal with voting rights. Therefore, I think that what the Senator from Iowa seeks should not be attempted in this bill; because, in my opinion, it would tend to becloud and befuddle the issue of the vote which is now clearcut, straight, and understood by everyone, without any ifs, ands, or buts.

The amendment offered by the Senator from Iowa goes beyond the confines of voting, with which my amendment is concerned, and with which the bill and the Scott-Hart substitute are concerned. It deals with issues on which there have not been hearings, to my knowledge; whereas, on the question of voting rights, there have been ample hearings down through the years bringing us to today—when there is an opportunity for action for the first time. I hope that opportunity is not jeopardized.

In that respect I am not certain what the effect of the Senator's amendment would be, or what the words that would be added to the preamble of my amendment would accomplish, or whether even they would accomplish what the Senator from Iowa seeks to accomplish.

Because of my initial favorable reaction to the idea of jury duty for persons 18 years of age and over, I should like to see hearings and a study undertaken as soon as possible by the appropriate committee; in this instance, as in the previous instances, the Committee on the Judiciary. I would then consider joining the Senator from Iowa in any bill he might offer on that subject, so that it could be reviewed, discussed, and debated as soon as possible by the appropriate committee.

If we go beyond the scope of the voting proposal at this time, however, I believe the door may be open to the consideration of many other matters never before considered such as—as the Senator from Massachusetts suggested—the age at which persons may drink legally, or the age when they may attend motion pictures, or other activities never before reviewed by a congressional committee. That is not the case with respect to extending the right to vote. On that issue the record is abundant; it is clear beyond doubt.

Therefore, I oppose the amendment at this time and urge the Senate to reject it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment, as amended, of the Senator from Montana.

Mr. MANSFIELD. Mr. President, does any further time remain?

The PRESIDING OFFICER. No further time remains.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call, the time for the quorum call not to exceed 5 minutes.

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

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Does the Senator from Montana recall my discussion with him earlier today?

Mr. MANSFIELD. I do recall a conversation in which the Senator from West Virginia indicated that he would vote for this proposal.

Mr. RANDOLPH. I am going to vote for it. I had planned earlier today to make a short statement to the Senate.

Mr. MANSFIELD. How much time would the Senator desire?

Mr. RANDOLPH. Three or four minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 5 minutes time be allocated to the Senator from West Virginia, the author of a proposed constitutional amendment that dates from 1942.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Iowa will state it.

Mr. MILLER. The Senator from Montana asked that the time be taken out of his time. How much time is allotted on the bill itself?

Mr. MANSFIELD. None.

The PRESIDING OFFICER. There is no limit on the bill itself.

Mr. MILLER. May I ask from what time the Senator from Montana would be taking?

Mr. MANSFIELD. Time obtained by unanimous consent.

The PRESIDING OFFICER. In effect the Senator from Montana asked unanimous consent that the Senator from West Virginia be recognized for 5 minutes. The Chair heard no objection, so the Senator from West Virginia has been recognized for 5 minutes.

Mr. MANSFIELD. If the Senator from West Virginia will yield to me briefly, I would like to put in a call for a quorum now, the Senator can then speak, and then the voting can begin.

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. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATOR RANDOLPH SUPPORTS MANSFIELD AMENDMENT TO LOWER VOTING AGE TO 18

Mr. RANDOLPH. Mr. President, I am very grateful to the distinguished majority leader for cooperating in the parliamentary situation to permit me to make a very brief statement prior to the vote on the Mansfield amendment, as amended by the Senator from Alabama (Mr. ALLEN).

Mr. President, I believe that the age for participation in all elections should be lowered to 18 years, but I believe the voting rights for 18, 19, and 20-year-old youths would best be granted and preserved by indelibly writing such a change into the language of the Constitution of the United States.

The legal basis for lowering the voting age to 18 years by the passing of a statute by this Congress is fragile. I am willing, however, to chance it by voting for the amendment of the Senator from Montana to the voting rights bill, particularly since the Senate voted overwhelmingly to add the words, "except as provided by the Constitution," as proposed by the Senator from Alabama (Mr. ALLEN).

The amendment of the Senator from Montana, which I have cosponsored, would stipulate in the Voting Rights Act that citizens 18 years old and older would have the right to vote. I support this amendment with the knowledge that my resolution proposing the submission of a constitutional amendment to the States to allow 18 year olds to vote, has the cosponsorship of 71 Members of the Senate—and there are others who are not cosponsors who have indicated in statements made during Senate debate that they were in favor of the resolution.

Mr. President, it is important to stress that final approval of the constitutional amendment can be expected very soon in the Judiciary Committee. The Senator from Montana and others have argued persuasively in this matter with reference to the statute approach.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from West Virginia may proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I have said—and I repeat—that the arguments in this matter have been most persuasive on both sides of the approach. We are all seeking a common objective. I prefer the constitutional amendment route over the statute route. I believe it is sounder from a legal standpoint, and many of my Senate colleagues have joined me in urging a constitutional amendment.

Senate Joint Resolution 147 will be reported favorably, I believe, by the Judiciary Committee. I would expect that the measure when reported will be held on the Senate Calendar for action, so that if this amendment to the Voting Rights bill fails to achieve acceptance in the Senate-House conference, the Senate will be prepared to act immediately.

The Senator from Mississippi (Mr. EASTLAND), chairman of the Judiciary Committee, and the Senator from Indiana (Mr. BAYH), chairman of the Subcommittee on Constitutional Amendments, have both assured us, in response to questions during debate in the Senate, that Senate Joint Resolution 147 would be ready for action.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from West Virginia may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I thank the Senator from Montana.

Mr. President, I know that there will be prompt action by the subcommittee and the full committee on this matter.

In closing, let me express my personal and official appreciation to all those who have understood my position in this matter. The Senator from Montana and others have shown real leadership. I only hope that what we are doing now—and I shall vote for the Mansfield amendment—will achieve the desired result.

I thank the Senator from Montana once more for yielding me this time.

Mr. HANSEN. Mr. President, I rise today to again emphasize my strong support in favor of allowing 18-year-old citizens the right to vote. I am convinced that these young people are capable of living up to the responsibilities which go along with the franchise. I have long favored the lowering of the voting age in my State of Wyoming. In 1963 and 1965, as Governor, my message to the State legislature urged that Wyoming take steps to lower the voting age from 21 to 18 years of age.

In 1967, Wyoming's Legislature authorized the consideration of a constitutional amendment lowering the voting age to 19. The people of Wyoming will vote on the amendment in the elections this November. The action by the State legislature is a triumph for Wyoming's young people who have shown that youth can express itself and make changes working through our constitutional system of government. The effort to lower the voting age was led by students at the University of Wyoming and junior colleges throughout the State. There were no riots, there were no burnings. Instead these outstanding young people decided what they wanted to accomplish, organized the arguments in favor of their position, went to Cheyenne, and lobbied for the passage of the constitutional amendment. The legislature showed that elected officials are interested in the ideas of young people and will consider these ideas in a proper atmosphere.

I intend to vote for the Mansfield amendment. I feel that it is of great importance that there be no confusion on my stand in this year when my State of Wyoming is voting on a constitutional amendment to lower the voting age. I want people in Wyoming to know that I support the constitutional amendment, appearing on the Wyoming ballot this November. Despite my misgivings about the ramifications inherent in the constitutional questions raised by the Mansfield amendment I shall support it.

However, my vote today on the Mansfield amendment in no way dilutes my grave concern over some of the language included in that amendment. I do feel the States have a very deep and real interest in the age of voters in elections for State and local office. For this reason I am concerned about the broad scope of the Mansfield amendment. We must remember that it is the States, not the Federal Government, who have led the way in lowering the voting age. There is nothing magic in an age determined by Congress rather than a State constitution. Because of this concern, I voted in favor of the Allen amendment qualifying the Mansfield amendment with the words, "except as provided by the Constitution." It is my hope that the Allen amendment clearly protects the constitutional rights of the States.

I am proud of the actions of the Wyoming State Legislature to lower the voting age. I have great confidence in the ability of younger people wisely to participate in the choosing of our elected representatives. I hope that the people of Wyoming will express their trust in their young people by ratifying that amendment in the November elections. I believe that my vote today for the Mansfield amendment will make it very clear to all the people in Wyoming that I am strongly in favor of the amendment to the Wyoming constitution lowering the voting age requirement.

Mr. MONTOYA. Mr. President, again the issue of allowing 18-year-olds the right to vote comes before this body. It is more than a little sad that we must still debate this subject. The 18-year-olds of our Nation can and will handle the responsibility of the ballot if we extend that privilege to them.

I happen to be one of those who is mightily impressed by this generation of young people. A small group who are wrapped up in the world of hard narcotics snags more than their share of headlines. Then several million Americans shake their heads, wondering aloud "what has happened to the younger generation." Another small group of professional protestors perpetrates some attention-getting outrage in the name of dissent. Again headlines blare out the news, because, in truth, it is news. Once more large groups of adults voice dismay over the "kids."

I believe the acts of a few younger people who act in an extreme nonconformist fashion must be placed in perspective by any mature society. It is by feeling that the overwhelming majority of this generation of our young Americans is the most responsible, concerned, and involved group we have ever produced. They challenge accepted doctrines because we have asked them not to accept dogma blindly. Such maturity can only be applauded rather than condemned.

More often than not, a challenge is what elicits the finest response from any given group of people. It seems to me that rather than deplore the untoward behavior of a few, we can challenge the many among our young people by offering them a greater responsibility. Who can doubt for even a moment that they will respond affirmatively? I do not doubt it.

At the age of 18, an American citizen must stand trial as an adult before the law. But now he or she cannot vote. At the age of 18, every male American citizen in sound health can be drafted for military service. But he cannot vote. At the age of 18, every American whose gross annual earnings exceed $600 is paying Federal income tax. But he cannot vote.

Today, an amendment is being offered by the most distinguished Senator from Montana (Mr. MANSFIELD). It would allow 18-year-olds to vote in all elections—Federal, State, and local. I shall support that amendment, and any other effort to rectify what I consider one of the great wrongs of our society.

Today we are involved in insuring that all Americans who deserve or who are entitled to the franchise are allowed full access to it. This should include our 18-year-olds.

Look at recent history. In the last election, there was massive participation on the part of American youth in our national political process. It involved much turbulence. Nonetheless, it stirred that same political process in the most promising manner. Only through familiarity with that process can they understand and appreciate it. Only if they feel they are a part of the process can they respect and play a meaningful role in it.

Further, by denying those between 18 and 21 full participation in our formal electoral process, we offer them no outlet other than campus or street demonstrations. Frustration and a sense of impotence reigns in the minds of our most articulate and involved young people. Let us by all means offer them full access to and participation in the most meaningful portion of that political process—the ballot itself.

I think they have much that is positive to say and offer to us. Let us not become prisoners of political hardening of the arteries. Let us not forget that an infusion of new activism and involvement is the lifeblood of political progress.

Democratic societies can only gain by opening wider access to their most meaningful political processes to more of their people. They can only lose by letting their citizens, particularly their younger ones, beat in growing frustration on their political gates. Let us learn from the past, rather than turn our backs on its lessons. Our Nation faces a crisis of maturity. We need the help of our young people. If we ask them to join in, we shall not be disappointed.

Mr. MONDALE. Mr. President, the issue of lowering the voting age to 18 is not exactly new to the U.S. Congress. Almost 30 years ago Senator Vandenberg, of Michigan, introduced a proposed constitutional amendment to that effect, and there have been a number of attempts at similar legislation in the years since. But Congress has not been willing to give this issue its full attention. Like a flowering perennial, this issue appears every year, elicits the polite support of some Senators and Representatives, and then disappears for another year. I think it is time we quit

playing "hot potato" with this issue and give it the attention needed to bring about its favorable passage.

We have all heard the arguments in favor of lowering the voting age to 18. They are the same arguments many of us discussed in high school. If a man is old enough to fight, work, marry, pay taxes, make a contract, drive a car, own a gun, and so on, he certainly is old enough to vote. And we can find considerable data to support these arguments. For example, there are some 6 million young adults between 18 and 21 years of age in our labor market. The wages of these young people are being taxed to pay for the programs we enact in Congress. Yet these people have no say in determining who sits in that Congress. They are truly victims of taxation without representation.

It is not only income that they are losing without representation. For almost 20,000 of them, it has been their lives. Almost half of the 40,000-plus Americans who have died in action in Vietnam have been under 21. They lost their lives fighting in a conflict initiated by a President they had no voice in choosing and continued by the appropriations of a Congress they had no voice in choosing.

Just because a person has a particular right or responsibility does not necessarily mean he should have the right to vote. But I happen to believe that many of the rights and responsibilities we have conferred upon young people are as substantively significant as the right to vote, and, therefore, there is every reason why the right of suffrage should be extended to them also.

We can help to avert the collision between the powerless and the powerful by granting the power of the vote to those young people who have demonstrated their desire to participate in the decisionmaking councils of society.

It is true there are some young radicals who are more interested in anarchy than democracy, and who have not exhibited the maturity to make the choices involved in voting. Yet many adults fall into those categories too. You only have to witness the courtroom antics of the so-called Chicago 7—all eligible voters—to see that 18-, 19-, and 20-year-olds have no exclusive right to bad manners.

The truth of the matter is that today's young adults are far better equipped to make voting choices than most of us were at the same age. Modern communications and advanced education have combined to make our young people the best-informed generation ever. About 78 percent of the people in this age category are high school graduates, and about 46 percent are college students. Yet we continue to refuse them the opportunity to implement their learning at the ballot box. Instead, by promulgating a gap between 18 and 21, we are stimulating young people to lose interest in public affairs. President Kennedy's Commission on Registration and Voting Participation warned in 1963 that the existence of this gap led to the possibility that—

> Some (of these young people) may even be lost as voters for the rest of their lives.

Enfranchisement of 18-year-olds will add approximately 10 million persons to the voting age population, an increase of about 8 percent of the eligible voters. In my State of Minnesota, which will vote this fall on a constitutional amendment to lower the voting age to 19, some 174,000 more persons would be able to vote if the age were lowered to 18. If the voters of Minnesota pass this amendment—and I hope they will—they will join a select group of four other States—Kentucky, Georgia, Alaska and Hawaii—which have realized the importance of letting their young people have some say in their government.

We could wait for the remaining States to pass such legislation in referenda, but when Congress has the power and the responsibility and the right to take the initiative in this matter, it surely should. Congress has been studying, debating, and checking this issue for nearly 30 years, and all of us have heard the arguments, pro and con, ever since. It is time we made a decision. It is time we recognize our young people for the valuable contributions they have to make to the democratic process. I ask Senators to support lowering the voting age to 18.

Mr. DOLE. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia (Mr. RANDOLPH). As a cosponsor of Senate Joint Resolution 147, I share his view that an amendment to the Constitution would be preferable to the statutory approach of the Mansfield amendment.

The amendment of the junior Senator from Alabama (Mr. ALLEN) to the Mansfield amendment, adopted yesterday, will assure the question of constitutionality of the statutory approach will be tested. In view of this, I shall also vote for the amendment by the senior Senator from Montana.

In the event the Court should hold Congress did not possess the power to authorize 18-year-olds voting, we can, as I understand it, proceed with Senate Joint Resolution 147, which embraces the constitutional amendment approach.

In either event, there is strong support for the objective and I commend the Senator from West Virginia for his initiative.

Mr. HATFIELD. Mr. President, I should like to include in the RECORD on this historic day a statement by Earl Blumenauer, who is the director of the upcoming campaign in Oregon to permit 19-year-olds to vote. Mr. Blumenauer appeared before the Senate Subcommittee on Constitutional Amendment on February 16.

I expect that the Senate will approve the amendment allowing 18-year-old citizens to vote. I am hopeful that the House of Representatives will concur, although that body did not amend the voting rights bill as has the Senate.

As I have stated many times before, if this country continues to make demands upon these young people to serve in its wars and pay its taxes, we should allow them to vote. Young people today are much more serious and are better educated than my generation was at their age, and I commend the statement of Mr. Blumenauer to you as a case in point. I ask unanimous consent to have the statement printed in the RECORD.

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

STATEMENT BY EARL BLUMENAUER

Mr. Chairman and members of the Committee, my name is Earl Blumenauer, I am the Director of the pending referendum campaign in the state of Oregon. My interest in testifying before your committee is to give you an idea of the seriousness of our effort and reinforce the need for a U.S. Constitutional Amendment.

Perhaps the most prominent characteristic of discussions that concern lowering the voting age is the lack of "hard facts". Concepts such as "maturity", and "responsibility" remain, at least to this point in time, value judgments. All too often, this qualitative argumentation does little to change opinions conditioned by centuries of tradition. The experience of the young people in the State of Oregon lends another dimension to this question of lowering the voting age.

Oregon will be the first of 11 States that will in 1970 submit to their citizens constitutional amendments that seek to lower minimum age requirements for voting. While the history of this specific issue in Oregon dates back more than 20 years, the last 14 months have been the most eventful. What began as the project of a group of high school students spread around the state to encompass a wide variety of young people. They carried their thoughts and feelings from the classroom to the state capital. There they were joined in their efforts to secure a referendum measure by lobbyists from a wide variety of interests, public officials, as well as by many individual legislators. After five months of study, thought and interaction with the legislature (as well as a great deal of old fashioned arm-bending), the measure was submitted to the electorate.

From this point the campaign changed its essential nature to become "voter oriented". The young people were formally joined by business, labor and political leaders in the construction of a broad based campaign organization oriented solely toward this issue. Thousands of hours of planning and consultation were required before the campaign was able to enlist the statewide working support of Oregonians from all walks of life, of all ages. While most of our campaign lies ahead, hundreds of speeches have been given, dozens of campus chapters have been established, and considerable campaign resources have been generated.

Our experiences seem to highlight several points. Most fundamentally, the accomplishments of our young people tend to reinforce their arguments. The political know-how and determination they exhibit indicates "maturity", "responsibility" and "political awareness" far more clearly than graphs or percentages ever could.

Developments in our campaign testify to the merit of a federal amendment to the Constitution. While recognizing powerful arguments couched in other terms, let me suggest a threefold rationale that emerges from our activities.

I. A federal amendment would be a strong indication that the system is amenable to change from within.

Among the young, we've encountered a reoccurrent expression of futility. Every indication from politicians, educators, and among our own ranks is that such opinion is becoming more widespread. Were progress achieved toward an amendment lowering the voting age, it would provide a powerful indication that the democratic process works, even for the disenfranchised.

II. The process of ratification would afford an opportunity to clearly present a defense of today's youth on a nationwide basis.

During the course of our activities in Oregon, we have been shocked by the nature and intensity of the hostility expressed toward young people. Our campaigning has forced

many to reexamine their attitudes toward youth.

If a constitutional amendment was submitted to the states for ratification, it would provide the vehicle to present a balanced view of our youth on a much broader scale. All across our nation, communicative efforts to objectively appraise our young people would be encouraged.

III. A constitutional amendment might well have the effect of promoting co-operative effort in a time of desperate division.

In Oregon the campaign to lower the voting age has created a broad coalition that transcends racial, generational, and political barriers. Confidence in youth seems to be exhibited by at least some members of each denomination and profession. By working together toward this common goal, we are affording a preview of the type of coalition that must be directed against the crucial environmental and social issues that are already at hand. Similar results might be expected on a much broader scale were this issue submitted to the states for ratification of a constitutional amendment.

Our campaign in Oregon suggests two distinct benefits of the proposed constitutional amendment. First the manner in which the young people have conducted themselves during the 14 months of this campaign indicates that they would indeed be valuable additions to the electorate. Second, the process of enacting this amendment into law would be a valuable exercise in promoting better communication and understanding between diverse elements of our society.

The PRESIDING OFFICER (Mr. CRANSTON). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD), as amended.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). On this vote, I have a pair with the Senator from Texas (Mr. TOWER). 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. GOLDWATER (when his name was called). On this vote, I have a pair with the Senator from Illinois (Mr. SMITH). 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. GRIFFIN (when his name was called). On this vote, I have a pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. TALMADGE (when his name was called). On this vote, I have a pair with the Senator from Maryland (Mr. TYDINGS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were at liberty to vote, as I already have, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Minnesota (Mr. MCCARTHY) would each vote "yea."

On this vote, the Senator from Connecticut (Mr. DODD) is paired with the Senator from Virginia (Mr. BYRD). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Virginia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Florida (Mr. GURNEY) would each vote "nay."

The respective pairs of the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and that of the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 64, nays 17, as follows:

[No. 98 Leg.]

YEAS—64

Aiken	Hansen	Packwood
Anderson	Harris	Pastore
Baker	Hart	Pearson
Bayh	Hartke	Pell
Bellmon	Hatfield	Percy
Bible	Hollings	Prouty
Boggs	Hughes	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mathias	Smith, Maine
Cook	McGee	Spong
Cooper	McGovern	Symington
Cotton	McIntyre	Williams, N.J.
Cranston	Metcalf	Williams, Del.
Dole	Mondale	Yarborough
Eagleton	Montoya	Young, N. Dak.
Fong	Moss	Young, Ohio
Fulbright	Muskie	
Gore	Nelson	

NAYS—17

Allen	Ervin	Miller
Allott	Fannin	Murphy
Bennett	Holland	Sparkman
Curtis	Hruska	Stennis
Eastland	Jordan, N.C.	Thurmond
Ellender	Long	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Dominick, for.
Goldwater, for.
Griffin, against.
Mansfield, for.
Talmadge, against.

NOT VOTING—14

Byrd, Va.	Inouye	Smith, Ill.
Dodd	McCarthy	Stevens
Goodell	McClellan	Tower
Gravel	Mundt	Tydings
Gurney	Russell	

So Mr. MANSFIELD's amendment No. 545, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia subsequently said: Mr. President, I was unavoidably detained and unable to be in the Chamber when the vote was had on the Kennedy-Mansfield amendment. In my judgment, that amendment was a very bad way to handle the question of whether the voting age should be lowered.

Every State has had for almost 200 years the right to determine whether the voting age should be lowered. Four States have done so.

If we are going to get away from the States having the right to make that determination, clearly it should be done by constitutional amendment and not by a statute of Congress.

Had I been present and voting, I would have voted against the Kennedy-Mansfield amendment, and I would like the RECORD to so show.

The PRESIDING OFFICER (Mr. RANDOLPH). The Chair would state that the question now occurs on the Scott-Hart amendment, as amended, in the nature of a substitute for the bill.

Mr. CASE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

STATEMENT BY SENATOR CASE IN OPPOSITION TO CONFIRMATION OF THE NOMINATION OF JUDGE CARSWELL

Mr. CASE. Mr. President, because I am not a member of the Judiciary Committee of the Senate and did not have the opportunity to sit in on the hearings on the nomination of Judge Carswell to the Supreme Court, I have reserved my decision until this time. Now, however, I have gone over the record of the hearings and the supplementary statements of others both in support and in opposition to the nomination.

I shall vote against confirmation.

I shall do so for several reasons.

They can be summarized in one sentence. On all the evidence, Judge Carswell does not measure up to the standard we have rightly come to expect of members of the Supreme Court. It is a standard exemplified by such men as Oliver Wendell Holmes, Charles Evans Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardozo, Earl Warren, John Marshall Harlan, William Brennan, and Potter Stewart—all of them nominated by Republican administrations in this century.

The PRESIDING OFFICER. The Chair requests that the Senate and those who are guests of the Senate give their attention to the Senator from New Jersey on a substantive matter. The Senator deserves our attention. The Senate will be in order.

Mr. CASE. Mr. President, from a legal point of view, Judge Carswell's qualifications have been seriously challenged by legal scholars and highly respected mem-

bers of the bar. Almost without exception, those who have examined his record as a judge characterized it as "undistinguished," "mediocre," "inadequate," "lacking in intellectual stature." Louis Pollak, dean of the Yale University Law School, stated to the Judiciary Committee that after a thorough examination of Judge Carswell's opinions in recent years:

> I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

A statistical analysis prepared by law students at the Columbia Law School shows that Judge Carswell holds a record for the repudiation of his decisions as a district court judge. During the period 1956 to 1969 when he sat on the U.S. district court, within the fifth circuit, nearly 59 percent of his printed opinions which were appealed were reversed by higher courts. This was, according to the study, nearly three times the national average for district judges. In the same period 24 percent of decisions from the fifth circuit district courts were reversed.

In other indexes used by the study to measure judicial performance of Judge Carswell and other Federal district judges, Judge Carswell scored significantly below the average of his peers. Specifically, his opinions were cited by other Federal and State judges only half as often on the average as Federal district judges both from the Nation as a whole and from his circuit. He documented his decision with case law authority less than half as frequently as the average of his peers.

And what of the quality of the justice dispensed by Judge Carswell in an area of most pressing concern to the Nation—equal protection of the law?

Here the reviews made of his record indicate a failure to demonstrate the impartiality, much less sensitivity, essential in one who serves on the Nation's Highest Bench.

It has been argued that Judge Carswell's pledge of undying adherence to the principle of white supremacy made during a political campaign 22 years ago should not be held against him. But his record on the bench as well as other nonjudicial activities give no evidence of any change of heart or mind since that time.

On the contrary, witnesses appeared to testify to the extreme and open hostility he has shown to lawyers and defendants in civil rights cases. Specifically, it was stated that in 1964 he expressed strong disapproval of northern lawyers representing civil rights workers engaged in a voter registration project—persons who, it should be noted, would otherwise have had no counsel. Judge Carswell has responded neither to that charge nor to the further charge that he arranged with a local sheriff to rejail workers he had been directed to free by the Fifth Circuit Court of Appeals.

Judge Carswell himself provided further damaging testimony concerning his insensitivity to human rights. I refer to his participation in the conversion of a municipally owned golf club into a private all-white membership club in 1956. His profession of ignorance of the purpose of the change is unconvincing, to say the least, for he admitted that he read the document he signed as an incorporator for the segregated club. Further, there is ample evidence that there was wide public discussion of the matter in the press and in the community. The incorporation was obviously a device designed to circumvent court decisions outlawing segregation on publicly owned recreational facilities. At that time, be it noted, Judge Carswell was a U.S. attorney sworn to uphold the Constitution.

A number of exhaustive analyses of Judge Carswell's decisions have been prepared and have been made part of the RECORD. In the light of them, the conclusion seems to me inescapable that, as Prof. William Van Alstyne of the Duke University Law School—who had testified in favor of Judge Haynsworth's nomination—stated:

> There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States.

Conversely, there is much in the record to suggest that elevation of Judge Carswell to the Supreme Court would be a disservice to the Court. For, as one writer recently pointed out to critics of the present Court:

> The tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed. The Supreme Court today needs more reason, more understanding, more wisdom.

To me, my responsibility as a Member of the Senate is clear: I must, and I shall, vote against confirmation.

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

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

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.

TRIBUTE TO SENATOR RANDOLPH

Mr. BYRD of West Virginia. Mr. President, I think it was most appropriate that my distinguished senior colleague from West Virginia (Mr. RANDOLPH) was presiding over the Senate at the time of the adoption of the Mansfield amendment lowering the age for those eligible to vote from 21 to 18, especially in view of the fact that my senior colleague has been so active over the years, beginning with his service in the other body, with respect to lowering the voting age to 18.

It was my colleague who, in the other body, in 1942, offered a resolution to bring about an amendment to the Constitution to lower the voting age. Through the years he has never wavered in his support of that proposition. Here in the Senate, as we all know, he has been very, very active in lining up cosponsors for a constitutional amendment to lower the age, and as a result of his dedication and diligent efforts, 71 cosponsors have joined with him in proposing this constitutional amendment.

So I was happy to see my colleague presiding over the Senate at the time the Senate reached its decision on the Mansfield amendment. I joined my colleague in supporting that amendment, as I have joined my colleague in cosponsoring the constitutional amendment which he is proposing.

I feel that eventually the age for voting may be lowered to 18, whether it be by the constitutional amendment route or by statute. I personally favor the constitutional amendment process. I think that is the only way it can constitutionally be done. But, in any event, my colleague has, by his diligent efforts, helped to pave the way for success when the time for it comes. So, again, may I say that it was especially fitting that he be presiding when the vote occurred on the Mansfield amendment.

The PRESIDING OFFICER (Mr. RANDOLPH). The present occupant of the chair expresses his very genuine appreciation to his colleague from West Virginia. I am grateful to him.

Mr. BYRD of West Virginia. I thank the Chair.

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. 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. I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, of the bill, between lines 4 and 5, insert the following new section:

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq. is amended by—

(1) inserting therein immediately after the first section thereof the following title caption: "TITLE I—VOTING RIGHTS"; and

(2) striking out the word "Act" wherever it appears in sections 2 through 19 and inserting in lieu thereof the word "title".

On page 1, line 5, strike out "Sec. 2." and insert in lieu thereof "Sec. 3.".

On page 3, line 11, strike out "Sec. 3." and insert in lieu thereof "Sec. 4.".

On page 4, line 4, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".

On page 4, line 11, strike out "SEC. 5" and insert in lieu thereof "SEC. 6".

On page 4, line 25, strike out "SEC. 6" and insert in lieu thereof "SEC. 7".

On page 5, line 4, strike out "SEC. 7" and insert in lieu thereof "SEC. 8".

On page 8, between lines 2 and 3, insert the following new section:

"SEC. 9. The Voting Rights Act of 1965 (79 Stat. 637; 42 U.S.C. 1973 et seq.) is further amended by adding at the end thereof the following new title:

"TITLE II—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 201. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 202. Except as required by the Constitution no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 203. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or atempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 204. As used in this title the term 'State' includes the District of Columbia.

"EFFECTIVE DATE

"SEC. 205. The provisions of this title shall take effect with respect to any primary or election held on or after January 1, 1971."

On page 8, line 3, strike out "SEC. 8. The" and insert in lieu thereof "SEC. 10. Except as otherwise provided, the".

Mr. GRIFFIN. I wonder if the Senator from Alabama could inform us whether this amendment is the same as the so-called Mansfield-Kennedy amendment which was offered to the Scott-Hart substitute.

Mr. ALLEN. Mr. President, in response to the question of the distinguished Senator from Michigan, the junior Senator from Alabama will seek to explain the purpose of the amendment which has been offered and to state, further, that he will not call the amendment up for a vote until the distinguished Senator from Pennsylvania, who is the sponsor of the Scott-Hart amendment, has come to the Chamber and has had an explanation given to him of this amendment and has had an opportunity to debate the amendment.

Mr. President, to understand the relevancy of the suggested amendment, the amendment which has just been offered, it is necessary to consider the parliamentary situation with regard to the pending bill and the pending amendment.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wonder if I could inquire of the distinguished junior Senator from Alabama whether or not this amendment is the same, so far as the text is concerned, as the Mansfield-Kennedy amendment to the Scott-Hart substitute. I did not quite understand his answer.

Mr. ALLEN. It is the same.

The PRESIDING OFFICER. May the Chair be indulged to make this comment: A Senator may yield only for a question and response.

Mr. GRIFFIN. Mr. President, I understood that I had the floor.

The PRESIDING OFFICER. The Senator from Michigan could yield only for a question.

Mr. GRIFFIN. I would be glad to yield for a response to my question.

Mr. ALLEN. The answer is "Yes."

Mr. GRIFFIN. As I understand it, if I may inquire of the distinguished Senator from Alabama, he is proposing this as an amendment not to the Scott-Hart substitute which we have been discussing but is proposing it to the House-passed bill. Is my understanding correct?

Mr. ALLEN. Mr. President, I will respond to the distinguished Senator from Michigan by saying that the junior Senator from Alabama was seeking to make an explanation, and the junior Senator from Alabama understood that ordinarily the sponsor of an amendment is given an opportunity to explain the amendment, which he is seeking to do.

Mr. GRIFFIN. I certainly want to give the junior Senator from Alabama all the opportunity he wants. I shall have to leave the Chamber very soon, and I thought that perhaps I could get this clarified in a short time so far as I was concerned.

It seems apparent that we are dealing now with the same amendment which the Senate has already adopted by an overwhelming majority vote, and it is the purpose of the distinguished junior Senator from Alabama to put this amendment on the House-passed bill, which would be an alternative to the Scott-Hart substitute, and I would not think there would be much question about the Senate adopting such an amendment.

I wonder how much discussion the Senator from Alabama thinks might be necessary.

Mr. ALLEN. In response to the Senator's question, he stated that he did not want to go forward with the debate until the distinguished Senator from Pennsylvania came into the Chamber.

Mr. GRIFFIN. Could I be helpful by seeing if I could get the distinguished Senator from Pennsylvania to the Chamber?

Mr. ALLEN. Yes. I think that would be a constructive effort for the Senator to pursue at this time.

Mr. GRIFFIN. Is there any disposition on the part of the junior Senator from Alabama to agree to some reasonable time limitation about discussion of this amendment?

Mr. ALLEN. Mr. President, in response to the Senator's question, the junior Senator from Alabama will say that where the issues are basic, where they are fundamental and inherent, regarding the rights of the people of Alabama, he will not under any circumstances agree to a limitation of time on his remarks. That does not mean that the length of his remarks might exceed what might normally be set for discussion, but he does not feel that it is proper to limit the length or the amount or the time for his remarks on such important matters as the Senate has under consideration at this time.

Mr. GRIFFIN. I have no doubt in my mind that the junior Senator from Alabama wants to give these matters adequate consideration, and I am sure that the consideration we have given to other amendments that he has proposed has had no relationship whatever to delaying the Senate's intention to take up the Carswell nomination. I am sure that it would not be the intention of the junior Senator from Alabama, in prolonging the discussion of this amendment—about which there is no real controversy and about which the Senate has already voted overwhelmingly—to delay the consideration of the Carswell nomination.

Mr. ALLEN. The Senator from Alabama does not wish to delay the consideration of any nomination. He notices that there are several names on the Executive Calendar, and we should get to all of them. But the junior Senator from Alabama feels that as matters come before the Senate, they should be considered on their merits; they should stand on their own two feet.

Mr. GRIFFIN. I agree with the Senator from Alabama.

Mr. ALLEN. And they should not be considered in connection with the possible effect that their consideration in depth might have on some other matter.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. GRIFFIN. I yield.

Mr. STENNIS. I think this is a very

important matter and, frankly, I think that the Senator from Alabama has made a good suggestion. I want to discuss the matter briefly, myself. The Senator from Alabama has said how he feels about it.

Mr. GRIFFIN. I appreciate the contribution of the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. ALLEN. To continue the answer to the distinguished Senator from Michigan, when a time limitation is placed on an amendment or a bill, in the opinion of the junior Senator from Alabama, it just indicates that you are not going to agree to your own execution on the day you are discussing the matter, but you will agree to execution 1, 2, 5, 10, or 20 days distant, depending on the length of the agreement. That is why the junior Senator from Alabama, as a matter of principle, does not want to enter into any agreements with respect to limitation of time, by unanimous consent, with regard to any amendment that he might care to offer.

Mr. GRIFFIN. My observation, however, is that on this particular amendment, regardless of what might be the case with others the Senator might offer, the Senate has expressed its will on this amendment, as I recall, with only 17 Members of this body voting against it and all the rest voting for it. I do not think there is much question that they would vote for the Senator's amendment if they had a chance to vote on it.

Mr. ALLEN. The junior Senator from Alabama would respectfully point out to the distinguished Senator from Michigan that he had not discussed the matter more than 30 seconds before the distinguished Senator from Michigan was asking him how long he was going to talk. Until the junior Senator from Alabama has outworn his welcome with respect to a particular amendment, it does seem that the Senator from Michigan would allow the Senator from Alabama to indulge in such remarks as he might care to make.

Mr. GRIFFIN. Certainly that would be the case. I assure the junior Senator from Alabama that there is some concern over the fact that there may be a delay involved; but I am sure that is not the purpose of the junior Senator from Alabama and I appreciate it.

Mr. ALLEN. The junior Senator from Alabama would like to state to the distinguished Senator from Michigan that the purpose of the amendment is not dark or secret.

Mr. GRIFFIN. Of course. Not at all.

Mr. ALLEN. The amendment seeks to get H.R. 4249 into such shape that it will best appeal to the Members of the Senate. The junior Senator from Alabama feels that the Senate, having voted, as the Senator says, overwhelmingly for the Mansfield amendment, if we were to conform the House bill to the Mansfield amendment, at that point we might have a simple question of voting rights only presented to the Senate rather than extraneous matters.

Mr. GRIFFIN. The Senator has made a good point.

Mr. STENNIS. Mr. President, I have already expressed my interest in the amendment and that I wanted some time to discuss it. The Senator brought up the question of delay. I certainly do not want to delay the bill or any other bill intentionally. I really would like to see this one move along now. We have had good debate. We have had many amendments. I would like to see it move along. Personally, it would suit me very much if we could, consistent with reason, move it today. But if not today, then on tomorrow, or as soon thereafter as we can. I just want to make that clear to the Senator.

Mr. ALLEN. Mr. President, may I have the floor in my own right?

The PRESIDING OFFICER (Mr. RANDOLPH). The Senator from Alabama is recognized.

Mr. ALLEN. I thank the distinguished Presiding Officer.

Mr. President, as I suggested a moment ago, there is going to be no effort whatsoever to debate this amendment an undue length of time. The junior Senator from Alabama merely feels that, while we are discussing matters of such importance to the people of his State, the junior Senator from Alabama has no right to give away their rights by agreeing to a limitation of the time during which these matters can be discussed.

It is not the intention of the junior Senator from Alabama to prolong the discussion of the amendment which is now pending before the Senate.

The bill that comes to us from the House, H.R. 4249, sets up a method of handling the matter of voting rights of citizens throughout the entire country.

To that bill has been added, or has been sought to be added, the Scott-Hart amendment which would take a different approach with regard to this most important question.

I do not plan to discuss the manner of the approach that is used in the Scott-Hart substitute. Suffice it to say that, if the Scott-Hart substitute is adopted, then no further amendments can be offered, as the junior Senator from Alabama understands it, to H.R. 4249.

So that, at this time, this is the only time that I shall be able to offer an amendment.

The junior Senator from Alabama feels that H.R. 4249 should be made to conform, with regard to matters that have been under discussion in the Senate, as nearly to the wishes of the Senate as is possible. The Senate has, by an overwhelming vote, approved the Mansfield amendment, and by unanimous consent, or a modification that did not even need unanimous consent, the Goldwater amendment was added to the Scott-Hart substitute.

If this amendment is adopted, I then plan to offer an amendment to H.R. 4249 having to do with residency requirements in presidential elections—in effect, the Goldwater amendment.

So, Mr. President, the amendment that is pending is the exact wording of the Mansfield amendment, so that if this is added to the pending House bill, and the Goldwater amendment is added to the pending House bill, then the Senate can decide between these two measures without going into extraneous matters and deal with voting rights only, because the other two issues would be handled in the same fashion, in the same fashion that Members of the Senate seem to want to handle it in.

So that we would have a direct vote on voting rights. Not to do that would, of course, not have the full question presented to the Senate, because H.R. 4249 does not deal with 18-year-olds voting nor does it have this provision for residency requirements in presidential elections from the Goldwater amendment.

Thus, if these two amendments are adopted, we would have exactly the same issue presented to the Senate on these two extraneous matters, and then the only point of difference would be the manner and the method of handling the voting rights.

Now, Mr President, as the junior Senator from Alabama has stated, there is no desire on his part to prolong the discussion of this amendment.

If there are no questions that any Senator desires to ask on the amendment, it is the intention of the junior Senator from Alabama to ask for a quorum call and then, after the Senator from Pennsylvania (Mr. SCOTT) has come into the Chamber and he can be conferred with, if there is no further discussion, the junior Senator from Alabama would like to call the amendment up for a vote.

So, at this time, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LONG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HART. Mr. President, the able junior Senator from Alabama has made a clear explanation of the procedure he seek to follow and a very clear explanation of his purpose.

I think, as the junior Senator from Alabama and my colleague, the Senator from Michigan, stated, all of us understand the substance of the amendment, having just within the hour acted on identical language in the amendment offered by the Senator from Montana.

If there are no others who wish to speak, I would be ready for a vote.

Mr. GRIFFIN. Mr. President, if the Senator would yield, I commend the Senator from Alabama. I am very pleased. If I seemed to have given the impression that we were going to spend too much time on this matter, I apologize, because I am very pleased to proceed to a vote. It seems to be very sensible.

Mr. ALLEN. Mr. President, having said I wanted to wait until the distinguished Senator from Pennsylvania came into the Chamber, I would rather do so unless the Senator from Michigan would speak for the Senator from Pennsylvania.

Mr. GRIFFIN. Mr. President, I have discussed this with the staff of the Senator from Pennsylvania. I do not think there is any question that the Senator from Pennsylvania is satisfied to have us proceed with a vote.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

SEVERAL SENATORS. May we have order?

The PRESIDING OFFICER (Mr. LONG). The Senate is not in order. Senators desiring to carry on conversations will retire from the Chamber.

The rollcall was concluded.

Mr. GRIFFIN (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

The PRESIDING OFFICER (Mr. LONG). The Senate is not in order. The fault is 100 percent that of Senators. Senators desiring to carry on conversations will retire from the Chamber; otherwise the Chair will be required to have the Sergeant at Arms arrest Senators and make them stop talking to one another.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further anounce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The respective pairs of the Senator from Illinois (Mr. SMITH) and that of the Senator from Alaska (Mr. STEVENS) have been previously announced.

The result was announced—yeas 69, nays 15, as follows:

[No. 99 Leg.]

YEAS—69

Aiken	Fulbright	Nelson
Allen	Gore	Packwood
Anderson	Hansen	Pastore
Baker	Harris	Pearson
Bayh	Hart	Pell
Bellmon	Hartke	Percy
Bible	Hatfield	Prouty
Boggs	Hollings	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mansfield	Smith, Maine
Cook	Mathias	Sparkman
Cooper	McGee	Spong
Cotton	McGovern	Stennis
Cranston	McIntyre	Symington
Dole	Metcalf	Williams, N.J.
Dominick	Mondale	Williams, Del.
Eagleton	Montoya	Yarborough
Eastland	Moss	Young, N. Dak.
Fong	Muskie	Young, Ohio

NAYS—15

Allott	Fannin	Miller
Bennett	Holland	Murphy
Curtis	Hruska	Talmadge
Ellender	Jordan, N.C.	Thurmond
Ervin	Long	Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Goldwater, for.
Griffin, against.

NOT VOTING—14

Byrd, Va.	Hughes	Russell
Dodd	Inouye	Smith, Ill.
Goodell	McCarthy	Stevens
Gravel	McClellan	Tydings
Gurney	Mundt	

So Mr. ALLEN's amendment was agreed to.

Mr. ALLEN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that the reading of the amendment at length be dispensed with.

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

The amendment is as follows:

On page 2 of the bill, beginning at line 5, strike out all through line 10, on page 3, and insert in lieu thereof the following:

"(b) (1) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(A) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(B) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(C) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1 of the Constitution;

"(D) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

"(E) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(F) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(2) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (A) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (B) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(3) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; or shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(4) For the purposes of this subsection, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied thereof not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

"(5) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (A) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (B) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(6) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any re-

quirement of registration that does not include a provision for absentee registration.

"(7) Nothing in this subsection shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"(8) The term 'State' as used in this subsection includes each of the several States and the District of Columbia.

"(9) In the exercise of the powers of the Congress under the necessary and proper clause of the Constitution and under section 5 of the fourteenth amendment, the Attorney General is authorized and directed to institute in the name of the United States such actions, against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection.

"(10) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(11) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this subsection."

Mr. ALLEN. Mr. President, this amendment is similar to the amendment the Senate has just agreed to. It is the Goldwater amendment, in effect, which was added to the Scott-Hart amendment by way of modification. With the adoption of this amendment, the two proposals, the administration bill—I say the administration bill, because it is supported by the administration—which passed the House and is pending before the Senate, being H.R. 4249, and the Scott-Hart amendment will be identical except for the method of handling voting rights, the administration bill, H.R. 4249, providing for nationwide application of the law, and the Scott-Hart amendment handling the matter in a somewhat different way, which the Senator from Alabama will possibly detail at length in discussing other amendments.

But when the Senate comes to the point of considering whether to be for H.R. 4249 or the Scott-Hart amendment, if this amendment is agreed to, then the only question of difference between the two proposals would be the method of handling the voting rights question. It would be a pure question of that without extraneous matters being on one and not on the other. It would be a pure question of how to handle the voting rights.

The junior Senator from Alabama discussed this proposal with the distinguished Senator from Arizona (Mr. GOLDWATER). The distinguished Senator from Arizona agreed and acquiesced in this amendment being offered to the bill, H.R. 4249.

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

Mr. ALLEN. I yield.

Mr. HRUSKA. Mr. President, as one who is interested in this particular title of the House-passed bill, I would say it is highly meritorious and this amendment is good. As a matter of fact, the Senator from Nebraska places high merit upon the entire bill, H.R. 4249, and I hope the Senate will approve the whole thing, but that is left for a future time. It would seem, however, the effort the Senator from Alabama is indulging in now is a good one; namely, that the bills will be identical, that the House-passed bill and the Scott-Hart amendment will be identical in this particular, so that the points of difference will be in other areas and will attach only to the voting rights provisions.

I would suggest a voice vote by way of approval, although I do not want to preclude a rollcall vote.

Mr. SCOTT. Mr. President, will the Senator permit me to speak on my own time?

Mr. ALLEN. Yes.

Mr. SCOTT. Mr. President, I think this amendment is subject to the same defects I addressed myself to before. The two bills, even if they were adopted, would still be far from the same. One will contain the burden of proof in one direction, and the other bill will contain the burden of proof in the other. One bill will, in effect, continue the Voting Rights Act; one bill will not. Therefore, H.R. 4249 and the Hart-Scott substitute are as different as they could be, with the exception of the fact that some amendments, notably the 18-year-old amendment, will appear in both bills. Therefore the objection to the 18-year-old provision, which most of us voted for, will be just as objectionable to the House conferees in one bill as it will be in the other, as I see.

I think we ought to have a yea-and-nay vote. Therefore, I request the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, the distinguished Senator from Pennsylvania understands, does he not, that the 18-year-old provision has already been added to H.R. 4249?

Mr. SCOTT. I said with the exception of the 18-year-old provision, which will be in both bills now.

Mr. ALLEN. This merely adds the presidential residency requirement. We are not tampering with the other; we are leaving that for decision later.

Mr. SCOTT. There is no great objection to the Goldwater amendment going into both versions of the bill. I thought the Senator was offering what we had referred to as the Cooper amendment.

Mr. ALLEN. No. There is no way for that to go into the administration bill, because the administration bill has no trigger.

Mr. SCOTT. That being the case, having intended to make the point on the Cooper amendment, and now realizing that the Senator from Alabama has proposed only the Goldwater amendment, which we had accepted on the Hart-Scott substitute, I would like to ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, I request that the yeas and nays be had.

The PRESIDING OFFICER. The Senator objects to the order for the yeas and nays being vacated.

The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Arkansas (Mr. FULBRIGHT) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 78, nays 5, as follows:

[No. 100 Leg.]

YEAS—78

Aiken	Fong	Muskie
Allen	Goldwater	Nelson
Allott	Gore	Packwood
Anderson	Griffin	Pastore
Baker	Hansen	Pearson
Bayh	Harris	Pell
Bellmon	Hart	Percy
Bennett	Hartke	Prouty
Bible	Hatfield	Proxmire
Boggs	Hollings	Randolph
Brooke	Hruska	Ribicoff
Burdick	Jackson	Saxbe
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, Idaho	Scott
Case	Kennedy	Smith, Maine
Church	Magnuson	Sparkman
Cook	Mansfield	Spong
Cooper	Mathias	Stennis
Cotton	McGee	Symington
Cranston	McGovern	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Williams, N.J.
Dominick	Mondale	Williams, Del.
Eagleton	Montoya	Yarborough
Eastland	Moss	Young, N. Dak.
Fannin	Murphy	Young, Ohio

NAYS—5

Ellender	Holland	Talmadge
Ervin	Long	

NOT VOTING—17

Byrd, Va.	Hughes	Mundt
Dodd	Inouye	Russell
Fulbright	Jordan, N.C.	Smith, Ill.
Goodell	McCarthy	Stevens
Gravel	McClellan	Tydings
Gurney	Metcalf	

So Mr. ALLEN's amendment was agreed to.

Mr. ALLEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which my amendment which embodied the Mansfield amendment was agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCOTT. Mr. President, I send up my substitute, known as the Scott-Hart substitute, and in section 205 I propose to change the word "title" in line 4, to the word "act." I have so advised the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the amendment was agreed to.

Mr. SCOTT. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IMPROPER CONDUCT BY GOVERNMENT EMPLOYEES

Mr. LONG. Mr. President, I read two paragraphs from an article published in this morning's Washington Post:

> Meanwhile, more than 500 professionals in the federal government—doctors, lawyers and others in about 10 departments and agencies—signed a petition urging Senate rejection of Carswell.
>
> The petition, drafted by three staff lawyers at the National Labor Relations Board, called Carswell's civil rights position "a callous affront to the black and white citizens of the nation" and criticized his "utter lack of qualifications as a jurist."

Mr. President, according to the article, a part of which I have read, more than 500 professional people in Government, doctors, lawyers, and others, in about 10 departments and agencies have signed a petition urging the Senate to reject the nomination of Judge Carswell.

I am well aware of the fact that we have civil service laws in this country. But I am also aware of the fact that this is supposed to be a government under a Constitution, under which the President is supposed to administer the laws of this country, and he is supposed to lead and direct this country.

These people in the executive branch, theoretically at least, are working for the President, and the President is working, in theory at least, for the people who have elected him President of the United States.

If we are going to have this kind of thing, of those in the executive branch signing petitions urging that the President should not do his duty as he sees it and has promised the people he would do it, be it something I would agree or not agree with, that is a departure from the theory that the people in this country rule.

It supports the argument that the Government should be ruled from within, that those who hold Government jobs, the intellectually elite few in the Nation's Capital, and in a few larger cities in addition to the Nation's Capital, who are mostly on the Government's payroll and who have achieved their present jobs because of their views, should be permitted to pretty well dictate and dominate the Government, even though the people might want it run in some other way.

It does not seem to me that the civil service was meant to achieve that kind of objective. I can recall Government service when those in Government felt that to the victor belonged the spoils. Those in power supported their leadership. If they did not support their leadership, they were fired. When the election came along, everyone in that administration expected to go out if they lost, and they expected the other side to take charge.

Criticize it, and I do criticize it with regard to those who were not attempting to determine policy, but that was the case of the people ruling. They decided who would run the Government, and those they elected would be in charge and would run it.

If the President promised to do something—and President Nixon, for whom I did not vote, said he was going to try to appoint people to the Supreme Court whom he regarded as strict constructionists—and if he is trying to do what he pledged to the American people he would do, the people in the executive branch of the Government should not undertake to sign petitions saying in effect, "You should not do this. You are wrong. You are evil. You are incorrect, and your judgment should be voted down."

If President Nixon is sincere, he should dismiss all or a great number of those people to whom I have referred, so that we would understand who is running the Government.

One of my dear friends, who was once Governor of the State of Louisiana, told me on one occasion:

> If you are not running anything but a peanut stand, someone must run the thing, or otherwise you will go broke.

If the President is to be trusted, and if he has the responsibility of administering the laws and directing the executive branch of the Government and has that duty and responsibility, we should recognize and respect him for that.

Therefore, Mr. President, I view with considerable concern this procedure—and this is not the first time it has occurred—of passing petitions around among people who have positions of responsibility in which they can help to make the policy of the Government and seek to put pressure on Government to do that which is contrary to what the President is trying to do.

I say that as one who did not vote for President Nixon; I voted for Vice President Humphrey in the campaign, but he lost. I assume that the people who signed this petition would be pleased with the way Vice President Humphrey would have handled the same responsibility if he were President, but these people are not supposed to like it.

They presume not to be for Mr. Nixon because he is doing the kind of thing he said he was going to do when he ran for office.

If this Government is going to be a government in which people rule, a government of the people and by the people, then this thing of Government professionals signing petitions urging the Senate to reject the views of the President, they should be terminated.

If we are going to support the theory that the people rule the Government, rather than the other way around, that the Government is responsible to the people, and not merely responsible to itself, then people in the executive branch who sign petitions urging the Senate to decline to support the President in doing what he feels he should do under the law, should not be part of the executive branch. They ought to resign or be dismissed.

If the law needs amending in that respect, I will certainly be happy to offer an amendment to do it.

Some of these people, such as Cabinet officers—whom he has the right to dismiss—have consistently offered their resignations when they said they could not support the President.

The civil service is not intended to support someone in the ranks of Government who sees fit to directly oppose and seek to frustrate the Chief Executive who is elected by the people when he seeks to do what he said he was committed to do when he was a candidate for public office.

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. 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.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 547

Mr. ALLEN. Mr. President, I call up my amendment No. 547 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read the amendment as follows:

AMENDMENT

In lieu of the language proposed to be inserted by Mr. SCOTT to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, insert the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'."

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by repealing sections 4 and 5 of said Act.

Mr. ALLEN. Mr. President, I modify my amendment by adding, in line 5, after the figure "4" the phrase, enclosed by parenthesis, "except subsection (e)".

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

In lieu of the language proposed to be inserted by Mr. SCOTT to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of test and devices, insert the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'."

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by repealing sections 4 (except subsection (e)) and 5 of said Act.

Mr. ALLEN. Mr. President, before I yield the floor, I will explain the nature of the amendment and the nature of the modification.

For a number of days I have had a prepared speech to deliver with respect to the pending House bill and the Scott substitute thereto, but all of my discussions in the past few days have been without benefit of text or notes. After reading the prepared speech, it is my purpose to further comment on the bill and the amendment and my own amendment now pending before the Senate.

Mr. President, I am unalterably opposed to the enactment of H.R. 4249 and the Scott amendment offered as a substitute to H.R. 4249. Throughout this discussion I shall refer to H.R. 4249 as the administration bill and to the Scott amendment as the substitute.

No matter what grounds may have existed for enactment of the Voting Rights Act of 1965, they no longer exist. The rationalizations that may have existed no longer apply. We are one nation and we are governed by the law of one Constitution. We canot separate this Nation geographically and apply one set of constitutional standards in one region of our Nation and another set of standards in another region.

In this connection, the law of the Constitution vests the power in States to prescribe voter qualifications. That law applies uniformly throughout the Nation.

I might say parenthetically that I am not discussing the 18-year-old voting qualification; I am discussing the literacy test.

The right to prescribe literacy as a qualification for voting is inherent in every State legislature, and the right to fix residency requirements as a condition for participation in the electoral processes of a State is inherent in the legislative powers of every State of the Union.

We are not talking about the merits of literacy as a qualification for voting. We are not talking about the merits of various residency requirements as adopted by the States.

We are talking about who has the right to decide the merits. Under our Constitution, that right is vested in State legislatures, or else the people have decided these matters and incorporated their decision in the organic law of their respective State constitutions. Congress has no power under the Constitution to prescribe in these areas and it cannot, by any stretch of the imagination, do so except by an open and palpable usurpation of power in violation of the U.S. Constitution.

Mr. President, this is the issue. It is the only issue. Will this Congress be bound by the law of the Constitution?

Literacy as a qualification for voting is not unconstitutional. Neither the Supreme Court nor Congress has even pretended as much. A literacy qualification for voting cannot be abolished by Congress. Neither does Congress have the power to set aside State residency requirements for voting in any election and establish its own, no matter how unwise Congress may believe State decisions to be.

Mr. President, the bills before the Senate attempt to usurp powers of the States under the guise of protecting citizens against discrimination in the exercise of the franchise. Present facts will not support the charge of discrimination. Let me demonstrate the truth of this statement.

The Voting Rights Act of 1965 was justified to the American people on the ground that literacy tests were alleged to have been administered in a discriminatory manner in certain Southern States; it was said that such discrimination could be detected by a low percentage of voting-age citizens who were registered to vote or who actually voted in the presidential election of 1964. It was also contended that the poll tax discriminated against Negroes and that they should not be required to pay the tax as a prerequisite to voting. It was said that if the literacy tests were suspended in certain States for a period of 5 years and that if the poll tax were suspended pending a test of constitutionality, and if Federal registrars were sent into the States to register voters for a period of 5 years, and if Federal poll watchers were assigned, and if State legislatures could be required to submit certain of their laws for approval of the Attorney General or to the Federal court in the District of Columbia, then the alleged discrimination would be cured, and the massive departures from constitutional law would then be justified.

Mr. President, let me briefly review what transpired during almost 5 years of the life of the Voting Rights Act of 1965.

It is said that over a million Negroes have been registered to vote during this period. It is my judgment that this estimate is on the conservative side and that there are considerably more that have been registered.

Be that as it may, it is reasonable to say that 95 percent of those registered were registered with the expectation that they would become alined with the Democratic Party. For example, it is more than a mere coincidence that the assignments of practically all Federal voter registrars were timed to voter registration drives and most occurred in a period of but a few weeks prior to Democratic Party primary elections in the Southern States. Such activity prior to Democratic primary elections seemed passing strange to many observers, if for no other reason than the traditional affiliation of Negroes in the South with the party of Lincoln.

Nevertheless, when a voter participates in a Democratic Party primary election, he pledges to support the nominee of the party in the general election. That means he will not vote Republican in the general election.

Neither was it a coincidence when the then U.S. Attorney General under the Johnson administration journeyed to Alabama to tell an audience of 4,000 gathered for the occasion in the Mobile, Ala., city auditorium that he intended to get every Negro in Alabama registered in time to vote in the Democratic Party primary election 2 months in the offing.

Under the circumstances, one can understand the desire on the part of the Republican administration to appoint Federal voter registrars and to conduct further voter registration drives throughout the South. And if the issue could be decided on the basis of quid pro quo, it would be hard to say that the Republicans are not entitled at least to a turn at bat.

After all, the Democrats got their turn at bat when the Republicans, carpetbaggers, and scalawags pulled up stakes and left the South along with Federal troops following Reconstruction No. 1.

So, there are equitable considerations and historical precedent for giving this administration a chance to proselyte in an effort to regain the votes of its former adherents. And, considering the rather unrestrained manner in which Federal registrars issue bearer certificates which entitled the bearer to vote, and considering the "checkoff" system authorized by present law, the political payoff possibility of recruitment is indeed promising.

But, of course, how Republicans may use the power to appoint Federal registrars and conduct voter registration drives is not the question. The question is whether or not there remains justification in law or in fact for a continuation of Reconstruction II, and more spe-

cifically that phase of it which relates to Federal supervision of voting.

Let us examine events having a bearing on the original justification for the Voting Rights Act.

Let us consider the poll tax.

The Supreme Court has declared it unconstitutional—it is gone forever, and contrary to what many may have been led to believe it was not particularly grieved. But in any event there is no chance of its reemergence as a prerequisite to voting.

So that justification of the 1965 act no longer exists.

Now what about the literacy test?

It is gone, too. The Supreme Court has said that segregated education imposes a racially discriminatory burden on Negroes in passing a literacy test. So, most of the Southern States cannot reimpose a literacy test.

So that justification no longer exists.

Mr. President, if one were to examine debates on the enactment of the Voting Rights Act and delete the rhetoric in the form of self-righteous breast beating and propaganda about the discriminatory effect of a literacy test and the discriminatory effect of the poll tax, one would be hard pressed to find a single valid argument left for enactment of the act, to say nothing of justification for extending the act for another 5 years.

I use the term "extending the act for another 5 years" loosely, as I shall explain later, because actually, the act is not what is being extended; it is the punishment, the sentence on the Southern States which is being changed from a 5-year sentence to a 10-year sentence, with a 5-year probationary period applying both under present law and under the Scott amendment.

Even the Supreme Court justification of the act is founded on the necessary assumption of discriminatory use of the literacy test and the discriminatory effect of the poll tax. Without the discrimination, where is the power of Congress to act?

With the poll tax out of the way and with the literacy qualification proscribed by the Supreme Court, what remains of the act to be extended?

The argument is that the administration needs authority to appoint voter registrars and to utilize the checkoff by appointment of Federal observers in order to protect the right of Negroes to vote. Of course, it is well known that the checkoff by observers is not to protect the right to vote but to guarantee that the voter votes right.

The argument for extension assumes that Federal registrars coupled with voter drives will result in greater numerical returns than if local boards of registrars did the job. The implication is that members of local boards of registrars and local election officials who work at a thankless job only from a sense of civic responsibility are lying in wait to deny Negroes the right to vote. That just is not true, Mr. President.

What do the facts show about this alleged plot of housewives and civic-minded citizens who serve as voter registrars and voting officials in tens of thousands of beats and precincts throughout the South?

Even if we accept the shockingly distorted data compiled by special pleaders who rely on 1960 census figures and other unreliable sources of information, their figures show that in six of the Southern States covered by the Voting Rights Act, Federal registrars listed only 158,000 Negro voters, whereas local boards of registrars listed 740,000, 158,000 by the Federal registrars, 740,000 by the local registrars. Mind you, these figures are from just six Deep South States.

Mr. President, the modern reconstructionists point to these figures and cannot say enough in praise about the great success of the Voting Rights Act. It is said to be the most successful piece of civil rights legislation ever enacted. I believe I have heard the distinguished Senator from Michigan make that very statement. But who did the job? Was it the Federal registrars who listed less than 15 percent of the Negroes throughout the South or did local boards of registrars list 85 percent? So, what are the grounds for alleging discrimination? Do these figures prove discrimination?

Well, as all Senators know, there are no specific allegations of discrimination. Instead, we are treated to a new conspiracy theory of discrimination. This theory takes its place beside the dangerous novelty of a dual Constitution propounded by modern liberals. Listen to this bit of information accompanying the substitute bill.

Let me quote from the joint views of Senators who introduced the substitute and who submitted as their own the conclusion expressed in the following language.

The conclusion states:

> Mr. Vernon E. Jordan, Jr., director of the Voter Education Project of the Southern Regional Council, . . . summarized the essential question before us—the danger of failing to extend that act in full force:
>
> I know—as well as any man in this room that Canton and Grenada and Selma and Dandersville and hundreds of other Southern Communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act.

Can one imagine such nonsense? Does this so-called expert think that cities enact voter laws? Does he not know that State legislatures and only State legislatures can change voter laws? But that is not the worse part of this statement. He asks us to believe that conscientious housewives and dedicated civic-minded citizens who report to the polls at seven in the morning and remain until midnight or later until the ballots are counted are there conspiring to cheat and swindle and steal elections. This is a gratuitous insult to hundreds of thousands of citizens. And on the basis of this insult modern reconstructionists insist that Federal Government must be empowered to police the work of these citizens. This is an infamous and gratuitous insult. I resent it. Millions of people in the South and in the Nation resent it.

Furthermore, the insult in the substitute bill is not limited to thousands of election officials and members of local boards of registrars. This monstrous piece of proposed legislation seeks to perpetuate a contumelious deception to the effect that the members of State legislatures in six Southern States are guilty of a conspiracy to disenfranchise Negro voters.

Nor is the insult limited to State legislators. The substitute implies that U.S. district court judges cannot be trusted to enjoin enforcement of State laws found to be in conflict with the U.S. Constitution as such laws relate to protection of the right of a citizen to vote.

Yet, Mr. President, it is on the basis of this hysterical conspirational theory that some Senators assert a power in Congress to compel State legislatures to submit their laws dealing with elections for approval or rejection by the U.S. Attorney General.

I wish that Senators who advocate the idea that members of State legislatures in the South cannot be trusted would appear before these legislatures and try to justify that charge. And I wish that these Senators would appear before a U.S. district court judge in one of these six States and explain to him why that judge cannot be trusted to uphold the law.

Mr. President, I am tempted to suggest that such a neurotic manifestation of suspicion of citizens, of elected Representatives of the people and of U.S. district court judges, along with the elaborate conspiratorial theory of discrimination is evidence of a psychological malady referred to as the projection complex. Yet, I cannot bring myself to believe that the Senators who support these malicious charges are merely projecting their own faults and hostilities into others. Instead, I have to conclude that they are grossly misinformed of the character and integrity of Southern manhood and womanhood, or else they are unbelievably gullible.

But an insult is one thing and the claim of power in Congress to administer the electoral process of a State is quite another thing and mere insults do not sustain the claim of discrimination, the necessary ground for any kind of congressional action in this area.

Yes, Mr. President, it is the conspiratorial theory that some Senators rely upon as a claim of power in Congress to compel sovereign States to come hat in hand to the Federal executive or to the Federal court in Washington for permission to amend its laws relating to the voting processes and procedures.

Mr. President, I plead for commonsense reasoning in an examination of this issue. Does Congress have the power to veto State legislation? Of course it does not. Then how can Congress delegate a power it does not have to the U.S. Attorney General?

If Congress does not have the power, how can it, the creator, delegate that power to that which the Congress has created, the Attorney General? But that is exactly what the Scott amendment seeks to do. Do the distinguished Senators who contend Congress has such power base it on the 15th amendment? The Supreme Court upheld that point of view under allegations which it mistakenly believed to be facts in 1965. It will not uphold such a palpably nonsen-

sical proposition in 1970 on entirely different facts. One can make that prediction with a degree of certainty because the Supreme Court cannot reasonably be expected to negate one of the fundamental principles set out in the Declaration of Independence.

On this point, Mr. President, the sovereign right of the people to alter their form of government and to reorganize its powers and to structure a new government on principles which they believe will best promote their happiness is set out in the Declaration of Independence and is so fundamental that it is nothing short of astounding that members of the Senate would contend otherwise.

It was this principle that permitted us to change from a government under the Articles of Confederation to a Federal Government under the Constitution. Can it be imagined that this Constitution can now be invoked to deny the people of the States the right to amend their organic law or their statutory law without first submitting them to the approval of Congress or the Attorney General? If so, it is obvious that King George III missed a bet. Do these Senators seriously contend that the 15th amendment so empowered Congress? The 15th amendment did not nullify the Declaration of Independence. How then are States to be denied the right to alter their government by constitutional amendment or by statute?

Very soon now preparations will be underway to celebrate the bicentennial of the birth of our Nation. The people are certainly going to become more familiar than they are now with the fundamental principles upon which this Nation was founded.

All the king's horses and all of the king's men will not suppress a renewed interest in the fundamental principles of our constitutional system of government.

I predict that somebody is going to have to take to the storm cellars if Congress persists in enacting laws which depart from fundamental principles.

Mr. President, let me make this observation. Repeated departures from the principles of our Constitution by Congress and by Federal courts have a significance that transcends considerations of immediate effects of the separate departures. In a very real sense, a series of quantitative changes have taken place to alter our constitutional government. These were based on special pleadings and frequently on distorted and unreliable data and have been generating a head of steam which may abruptly reveal to the people a qualitative change in our form of government.

Even now there are many people, more perhaps than is generally thought, who have arrived at judgments based on the aggregate effect of departures from our Constitution. These judgments are not flattering to those who refuse to accept the law of the Constitution as the law that governs government. I think we had better consider this possibility very carefully and think twice before we lay claim to powers not granted by the Constitution.

Those of us who believe that our Federal Government is bound by the law of the Constitution are concerned by statements in the testimony of the U.S. Attorney General on the administration's proposal to extend the Voting Rights Act both in time and to additional States.

Among other things, the Attorney General in testimony on the administration bill (H.R. 4249) said in part as follows:

> Under the 1965 Act the Attorney General is required to go to court to request voting examiners and observers in non-Southern states. Under our bill he has the authority to send the observers and examiners any place without first applying to a court.
>
> Under our proposal he could institute a law suit any place in the country based on the broader statutory protection of a discriminatory "purpose and effect" of a particular voting law or set of voting laws * * * This would make it clear * * * that it is unnecessary to prove that the intent of the local or state officials was to establish a racially motivated voting requirement.
>
> Our new proposal would * * * (give) the courts the authority to issue blanket orders against voting law changes the penalty for violation of the court order would be contempt.

Mr. President, I submit that the administration design in the proposed legislation is clearly revealed in the above quotations. Consider for a moment the revolutionary departure from constitutional principles in the Attorney General's proposal to grant to Federal courts blanket authority to issue injunctions against State legislatures to prevent changes in voting laws under penalty of fine or imprisonment without benefit of trial by jury for contempt of court.

This means, of course, that State legislatures could be enjoined from drawing any kind of representative district boundaries in cities and counties and throughout the State without first having approval of a Federal district court. Of course, a State legislature may appoint counsel and go to a Federal court and prove that its judgment is based on sound and reasonable grounds. Such proof avails nothing if a Federal judge concludes that the representative district boundary lines offend his own sense of proportion or is contrary to his idea of a proper representative district.

We have already witnessed the spectacle of judicial gerrymandering in the State of Alabama and if the administration bill is enacted, it is clear that the Nation will be treated to the grand spectacle of Federal district court judges gerrymandering representative districts throughout the Nation.

That is but one aspect of the revolutionary power which is to be vested in the nonelected branch of the Federal Government. Federal district judges also become final arbiters of what amendments a legislature can make in any voting law of the States. It is a fact that few, if any, Senators would claim the knowledge to speak with authority on the voluminous election codes in their separate States. But any individual with the faintest knowledge of the volume and complexity of these laws must know that literally hundreds of amendments are necessary at each session in order to adapt and keep procedures in step with constantly changing and vastly disparate local conditions. The idea of denying State legislatures final authority on these changes is a monstrous departure from constitutional government to say nothing of a massive usurpation of power to be accomplished by injunctions against State legislative bodies and threats of fine and imprisonment of State legislators.

Mr. President, all of these departures from principles of constitutional federalism are supposed to be justified by alleged discrimination which has not been substantiated but is based on rumor, gossip, and hearsay perpetuated by shameless insults against citizens who cannot defend their reputations against character assassins.

Well, the Fourth of July is not far distant, and I look forward with avid curiosity to hearing Senators explain how the right of the people to alter their governments and to reorganize its structure and to reallocate its powers on principles which they believe best serve their interest has been repealed by the Constitution which these Senators have sworn to uphold and defend.

Mr. President, we have before us House bill 4249. It is the administration bill. It is the bill which the administration recommends as the best method of handling the voting rights issue in this country. And it is an important issue. It is something that merits the concern of interested citizens.

The junior Senator from Alabama feels that this is a State issue and that it should be handled by State governments.

The junior Senator from Alabama objects strenuously to the fact that the Voting Rights Act of 1965 was designed by a device to make the punitive provisions of the law, the automatic provisions of the law, applicable only in seven Southern States.

So, the target for the action, the target for the trigger, the target to be hit was chosen in advance. And it was the seven Southern States. And it was found by investigation—and it did not take too much trouble to get these figures from the Census Bureau—when the Voting Rights Act of 1965 was under consideration by Congress that in the seven States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana fewer than 50 percent of the voting-age population in those States were not registered or did not participate in the 1964 election.

Obviously the lower figure would be those who participated in the 1964 election, because every registered voter is not going to vote.

So the real test was not how many were registered on November 1, 1964, but how many actually went out and voted in the November 1964 election.

It was found that in seven States—actually only in six of these States—there were fewer than 50 percent. The State of North Carolina had more than 50 percent overall in the State, but it had 39 counties which had fewer than the required 50 percent. And even though the entire State had the requisite 50 percent, the provision of the law was made applicable to any county that had fewer than 50 percent, even if the whole State had more than 50 percent.

The reverse of that was not true. Where a State had fewer than 50 percent participating in the 1964 election, the whole State was covered even though some of the counties had more than the requisite 50 percent of participating voters in the 1964 election.

On checking into the matter of other States, it was found that the great State of Texas had only 44 percent of its voting age population who participated in the 1964 election.

Obviously, the President being a noted Texan and the Attorney General being a Texan, they did not want their native State to be subjected to the humiliation to which this Voting Rights Act subjects a State.

They therefore had to delve further into the matter of agreeing on a formula that would catch only the seven States I have enumerated. So, they decided they would require for a State to be automatically covered that it should not only have fewer than 50 percent of the voting-age population voting in the 1964 election, but also that it must have a literacy test for voters. But these two factors had to concur and coincide.

So if a State had a literacy test and fewer than 50 percent of its voting age population voted in November 1964, then the automatic trigger was set up in the bill itself, the Voting Rights Act of 1964, that would put those States under the punitive provisions of the act whether there was one single bit of proof of discrimination or not.

So, these States were indicted. They were convicted. They did not have a hearing. They did not have an opportunity to present witnesses. They did not have an opportunity to hear witnesses against them. They were indicted and convicted, without a trial, of discriminating against their own citizens in the matter of allowing their citizens to register and to vote.

Yes, Texas was left out. And I am glad it was. I do not want to see any State subjected to these humiliating provisions of this act. Why do I say humiliating? Without any proof of discrimination, the Federal Government sends voting registrars into a State. It sends poll watchers and election observers. They cover the ground like locusts.

A further humiliating aspect of the bill applicable to these Southern States—and I alluded to this in my prepared remarks—is that if one of these Southern States wants to change any of its laws dealing with elections, dealing with registrations, dealing with wards, dealing with boundaries of counties or boundaries of States, any law that possibly might have any bearing on any election, any voter, any right to vote, or any right to register, that State has to come to Washington to the District Court of the District of Columbia or to the Attorney General and get approval of that act before it can become final or become operative.

Mr. STENNIS. Is this a convenient place for the Senator to yield?

Mr. ALLEN. I am delighted to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator's remarks about coming to Washington to get approval of the Attorney General certainly sparks a thought of my own along this very line. I call the Senator's attention to the fact that the 1970 census, to be taken next month, I believe, will certainly show new figures for virtually every area in the Nation and will bring about under present law reapportionments and redistricting galore, beginning with the county commissioners or county supervisors, whichever term is used, which is the small unit of county government, on up through every category of government including congressional districts, school districts, and many others.

Does not the Senator anticipate that will be what will happen?

Mr. ALLEN. The Senator is correct. The reapportionment, redistricting, rearranging of wards, rearranging of commissioner districts, that would all be done in Washington.

Mr. STENNIS. That would include the city level, the county level, and every level of government.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. Even in the little town with a five-man board of aldermen, as we say.

Mr. ALLEN. Yes.

Mr. STENNIS. They would be required to conform to that new census and they would have to send someone to Washington. Is that correct?

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. First, the law would demand that they change these districts, then another law—if this should become the law—would require them to come to Washington.

Mr. ALLEN. Yes; and not only that but the enactment of the legislature or the county government could be vetoed here in Washington and it could be sent back with the statement, "We do not approve this; go back and do it another way."

Mr. STENNIS. Yes. I was going to come to a detail in that connection. The law requires the Attorney General to give approval, or they must get approval of the District Court of the District of Columbia.

Mr. ALLEN. Yes; the District Court in the District of Columbia.

Mr. STENNIS. Everyone knows that the Attorney General is no more a superman than anyone else. He could not possibly see more than just a small percentage of these people that are going to have to come up here and get approval. Is that correct?

Mr. ALLEN. The Senator is correct.

As a consequence, there will be subordinates and subordinates to subordinates, and as a matter of necessity those matters will go down to a level actually below the level of the Attorney General of the United States. Is that correct?

Mr. ALLEN. The Senator is correct. It might go down to the level of the typists, I might suggest.

Mr. STENNIS. Well, it could be. My remarks do not pertain to the present Attorney General, of course, but in my span here I have known Attorneys General who have been most strong in their views, which they repeat virtually every day to the press and before the committees, showing a very strong feeling against certain areas of the country. There is no doubt about it. It is a reality. Therefore, we have to deal with that.

Mr. ALLEN. Yes.

Mr. STENNIS. Now, with these villages, towns, small cities, school districts, and everyone else will be coming up here, if we have an Attorney General of that description, it could have the very opposite effect of what is fair play in local government or local responsibility. Is that correct?

Mr. ALLEN. Yes. The distinguished Senator from Mississippi will recall that the distinguished Senator from North Carolina presented a well-reasoned amendment to the bill which would have allowed the State or the smaller political subdivision to go before the Federal district court, in the State involved, for relief. However, that proposal was rejected overwhelmingly by the Senate.

Mr. STENNIS. Yes. I recall the amendment and the vote in that case. Just going down to the hard facts of life, in the first place, a great many of these districts that might be involved in a change of boundaries, because they do not have that kind of treasury, are not able to send lawyers and witnesses up here to see the Attorney General, much less to try a case in the district court here. Is that correct?

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. So this measure would be shooting over the heads and going beyond the capabilities of the people who have these little self-ruling bodies of government at the district level.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. What is the effect in humiliation and pride at the State level and at the subdivision level of government with respect to not being trusted and not being permitted to attend to the ordinary functions of their own government? What effect will that have year after year after year?

Mr. ALLEN. That is a humiliating experience for our people to be convicted of discrimination without a trial and to have these penalties invoked against us. Our people feel they are sovereign in their respective States. The State government does not expect under the Federal-State relationship that it will have to come to the national government and ask for approval of its acts. I am not saying that a State can pass an unconstitutional act but it should be presumed under the most elementary principles of constitutional law that any law is presumed to be constitutional and presumed to have been enacted in accordance with the Constitution until proven otherwise. This section of the Voting Rights Act overturns that presumption that has been a legal presumption in the common law of England and in the common law of this country for centuries; that a law is presumed to be legally adopted until proved otherwise.

It is humiliating for our people to have to come hat in hand and ask Washington for approval of their legislative acts. We resent it very much.

Mr. STENNIS. Yes. I have stated the facts I know. People come to my office and they want advice and counsel about

proceeding. Sometimes they want me to go with them.

I just think it is a very degrading experience for these people to have to go under when they are just totally innocent of any wrongdoing or culpability of any kind in this respect.

Is that the Senator's experience?

Mr. ALLEN. That is it.

Mr. STENNIS. I have a quotation before me. It is in the separate views of Representative POFF, of the House of Representatives, and appears on page 14 of the report. If the Senator will yield, I would like to read it.

Mr. ALLEN. I yield.

Mr. STENNIS. This is from the case of South Carolina against Katzenbach, which has been quoted here; and I do not blame the proponents for quoting it. But there was a dissenting opinion in that case, by none other than Justice Black. It is so striking and strong and pungent that I think this part, at least, ought to be read into the RECORD. I shall be quite brief. I am reading Mr. Justice Black from that case:

> I cannot help but believe that the inevitable effect of any such law—

That is the law we have been talking about—

> 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 this is a very important point:

> 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.

Those are not my words. These are the words in the dissenting opinion in a decision of the Supreme Court of the United States. In a way, it is like reading the declaration of grievances in the Declaration of Independence, in which our forebears were complaining about how they had been treated by the Crown of England. Here we come along, 200 years later, according to this great Justice, saying that we are running on the same track. We are going back and recreating the very evils from which we fled and from which we gained our independence at the point of a sword.

I am very much impressed with his statement here. He summed it up so well. We have had this law for 5 years, but they do not give us any credit for that time or for any change that has been brought about. Do they give credit for all of that?

Mr. ALLEN. Not a bit. If every State covered by the triggering provision of this act had, since 1965, registered every person over 21 years in the State, and if they had participated in the 1968 presidntial election—with every person down there not participating in the election—we would still not be released from the provisions of the act, according to the Scott substitute. So it has absolutely no relationship to the good-faith efforts that the people of the South have made toward registering our citizens; and we have done a remarkable job.

Mr. STENNIS. I am astounded. I am glad the Senator has brought out so forcefully the fact that the renewal of this law will go that far. Where is there any help if it is not going to come from the Congress, and where will they listen to the plea of those being subjected, if it is not on this floor?

I thank the Senator for yielding.

Mr. ALLEN. I thank the Senator from Mississippi for his very fine comments. I appreciate his reading the dissenting opinion of Mr. Justice Black into the RECORD. I hope the Senator will participate further in the debate at a later time.

Mr. STENNIS. I thank the Senator.

Mr. ALLEN. Mr. President, the amendment offered by the junior Senator from Alabama does knock out two of the sections in the 1965 Voting Rights Act, sections 4 and 5. It does, except for section 4(e), a provision which the distinguished Senator from New York (Mr. JAVITS) and, I believe, the former distinguished Senator from New York, Robert Kennedy, put into the law to preserve the right of non-English-speaking voters to register in the State of New York, or any other State having such persons applying for registration, preserving their right to be accepted for a literacy test. In other words, they would not be barred from registering because they could not pass a test in the English language if they could pass one in their own language. So that would remain in the act, if the amendment offered by the junior Senator from Alabama were adopted.

Sections 4 and 5 are the triggering provisions and the provisions requiring a State to come to Washington for approval of its laws, and also to come to Washington for the purpose of seeking to come out from under the punitive provisions of the law which, under present law, requires 5 years' proof of nondiscrimination in the matter of registration and election in that State. What would remain would be 17 sections now in the present law. All of those sections would be applicable to all the States in the Union, whereas sections 4 and 5 apply to the States covered by the formula, with the exception of the provisions which are left in the act.

Mr. President, we heard a lot about the fact that the Scott amendment extends the Voting Rights Act for an additional period of 5 years. It does not extend the act. The act needs no extension provision. There is nothing in the act whatsoever, and I challenge any Member of the Senate to cite to me the section of the present act, that says it will expire in August of this year or at any other time. It is permanent legislation, and not just the 17 sections. Some say, "Two sections of the act will expire." No section expires. All 19 sections are permanent law.

It is necessary under this permanent law for any State covered by the formula to come into Federal court in the District of Columbia and prove nondiscrimination in the matter of elections and the registration of voters for a period of 5 years prior to the date of the filing of its petition.

So that if a State took no action whatsoever, never went into Federal court in the District of Columbia, it would never be free from the automatic punitive provisions of the act.

Some say, "Let's hurry up. If something is not done, this great act that has done so much, the shining light in the field of civil rights legislation, will expire. We must renew it." That is what some Senators say. But the act needs no renewal. It will not expire. No section of this act will expire. It will remain on the statute books until, hopefully, some day it is repealed.

What then does the amendment of the Senator from Pennsylvania and the Senator from Michigan do? It seeks not to extend the life of the act, because it is permanent legislation. It extends the sentence under which the people of the seven Southern States are operating. We are sentenced to remain under the provisions of this act for a period to be governed by the proof we offer in the Federal court in the District of Columbia that during the 5 years prior to the filing of the petition we did not use a literacy test for the purpose of discrimination.

The Scott amendment seeks to make that period a 10-year sentence.

Mr. STENNIS. Mr. President, is that a convenient place for the Senator to yield to me?

Mr. ALLEN. I yield.

Mr. STENNIS, Mr. President, do I correctly understand the Senator from Alabama to say that the Scott substitute proposes to make a 10-year ban on any kind of literacy test?

Mr. ALLEN. In effect, the Senator is right. We have to come in and prove that the literacy test has not been used in a discriminatory fashion during the preceding 10 years, whereas now it only takes 5 years to come out from under this provision. Not only that, once we serve out the 5 years' imprisonment, then the Federal court here in Washington—again I remind the Senator—not only has to approve of the legislative action of the State, but to get out from under the punitive provisions of the bill, a State has to come to Washington as well.

Once a State is released from the punitive provisions of the act, the Federal court in Washington retains jurisdiction of this matter for an additional period of 5 years, during which time the Federal court on allegations or averments—no proof is required, just an allegation of the Attorney General that we are guilty of discrimination—reopens the case and we are back under the act.

That is the reason the junior Senator from Alabama says that the act does not expire. It goes on and on and on. Suppose a State is not able to prove 5 years of nondiscrimination. Suppose that 3 or 4 years ago a State was found to be guilty of discrimination. The State is not out from under the act yet. It has to wait 5 years from that finding. When it finally does get out from under the act, they will be on probation as it were for an additional period of 5 years. It is a humiliating experience to our people.

Mr. STENNIS. The Senator knows as a lawyer, as well as a man of practical judgment, how hard it is to prove a negative.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. It is hard to come into court and put on absolute proof of a negative. And more especially is that true when it pertains to a great many acts involving a great number of people and extending over a period of time, 3 years, 5 years, 8 years, and now the Senator has said 10 years.

So, as a practical matter, it just places us in a position of servitude. There is no presumption of innocence, but rather a presumption of guilt.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. Mr. President, I want to ask the Senator a question with reference to the qualifications for voting. A ban has been placed on any kind of literacy test. As I said here the other day, in all of my experience here that was a step that Congress took that was the most biting and, if I might use an ordinary term, the most backward step that I believe our system of government could attain.

Does the Senator see this matter in that way with reference to the ban on literacy tests?

Mr. ALLEN. I certainly do.

Mr. STENNIS. Instead of moving forward, we are moving backward. That took off every kind of restriction.

Mr. ALLEN. Mr. President, the junior Senator from Alabama was shocked when the Senator from Pennsylvania offered his amendment, proposing taking a national backward step in the matter of abolishing literacy tests nationally.

I had the affrontery to ask the distinguished Senator from Pennsylvania if he was seeking a less literate electorate. He said in substance, "Why, no. I am not seeking a less literate electorate, because everyone is getting smarter and reading more. And they are learning a whole lot more, and we do not need a literacy test."

It seemed passing strange to me that we are going to get a more literate electorate by abolishing all literacy tests.

I believe that is in line with the thoughts of the Senator from Mississippi in connection with the Voting Rights Act of 1965.

Mr. STENNIS. The tragedy is that we are not moving forward, but moving backward. We are taking areas and banishing them and putting them under this kind of prohibition. Under our form of government, it seems to me—with all due deference to those who voted to the contrary—it is heresy, because the power of the government rests in the hands of the people. They do elect their representatives to make the laws; they do indirectly interpret the law; they do directly choose the ones to execute the laws. It takes intelligence and some kind of test to exclude those that are totally controlled by someone else, and without the tools of being able to read that go with the process of making a decision in modern times.

In some other kinds of government—and I say this with all deference to Asiatic countries—that do not have our system of liberty and freedom it might be all right to have that kind of procedure, but it would be backward for us to take that unto our bosoms ourselves, after all this advance from the old countries of England and other countries that contributed to evolving a separate system of law embracing a concept of liberty and freedom for the individual and the concept of governing ourselves.

Now, to go back and erase something like this and to write it into the law of the land and force it on the people is just ridiculous. I say that with all deference to those who are holding for this provision. It is because of one reason; it is because it is tied in with the civil rights question, and everything goes, except, it seems to me, this time everything is going to be made even stronger, as the Senator from Alabama pointed out.

I am proud of the Senator's amendment that would strike out sections 4 and 5. I wish we could strike it out and then destroy the record of it ever having been the law because of the reasons I have already given relating to the suppression of responsibility that it brings about with respect to our people.

I thank the Senator for yielding to me.

Mr. ALLEN. The Senator will recall that God blots out our sins and remembers them against us no more.

I am sure the Senator would like that sort of treatment applied in this case.

Mr. STENNIS. The Senator has stated it well.

Mr. ALLEN. The junior Senator from Alabama appreciates very much the fine statements and wonderful contributions made by the distinguished Senator from Mississippi to the discussion. The Senator from Mississippi mentioned the fact that this addition of 5 years of proof to the measure that the Southern States have to make in seeking to come out from under the trigger provision, the automatic coverage of this act, is in a sense a conviction. It is a changing of the term or sentence of a conviction. We all know that it is not legal, constitutional, proper, or right for the sentence of a prisoner, imprisoned in the penitentiary under a definite sentence who has about served his sentence, and they come in and say, "Oh, no. We sentenced you to 5 years in the penitentiary and we just decided right here to make that a 10-year sentence." That would not work. In this case it is comparable to our 5-year sentence, being the sentence of the Southern States for proof of 5 years of nondiscrimination, as August 7 approaches and we are able to go into Federal Court in Washington and assure and prove to the court that we have not discriminated for the 5 years preceding the filing of the petition. That would be an ex post facto law and, in a sense, this is an ex post facto law because it changes the sentence imposed on the Southern States after the existence of the fact—if it be a fact—of what we are charged by law, without trial, by act of Congress, with discrimination, have been sentenced to prove 5 years of nondiscrimination before we could be released from it; and then by coming in and saying, as the Scott-Hart amendment seeks to do, "We are going to make that a 10-year sentence."

That is said when we seek to get out from under the provision, still being subject to a probationary period of 5 years. That should satisfy any Senator who wishes to inflict humiliation on the Southern States. That ought to satisfy any person who seeks to protect the voting rights of citizens within our area, I suppose.

With sections 4 and 5 expunged and remembered against the perpetrators of these sections no more, all States would be covered by the same act. As pointed out the other day in the Senate these sections, outside of sections 4 and 5, have nationwide application. If we are seeking a national law as the administration bill seeks to have, we have that national law under sections 1 through 19, excluding sections 4 and 5.

So if it is a national law that we seek, we can get it by agreeing to this amendment knocking out sections 4 and 5, and then all remaining laws will be applicable to all States alike.

The distinguished Senator from Mississippi, early this afternoon, read from a dissenting opinion in the case of South Carolina versus Katzenbach, in which Mr. Justice Black dissented from the majority opinion upholding the constitutionality of the Voting Rights Act of 1965. His dissent was as to section 5, not as to the remaining portions of the act. But as to section 5, he ruled that section unconstitutional in his dissenting opinion.

I do not suppose that anyone would charge Mr. Justice Black with meeting the standards that the President is said to have set for future appointments to the Supreme Court. That he be a strict constructionist, because the junior Senator from Alabama would feel that possibly Mr. Justice Black is an activist on the Court. So it was a pleasant opportunity to read the dissenting opinion of Mr. Justice Black, declaring section 5 of the Voting Rights Act of 1965 to be unconstitutional. He took to task in very brilliant language the provision of the Voting Rights Act of 1965 requiring States and political subdivisions to come to the Federal district court in Washington to prove that their legislative acts—in the case of cities, of course, ordinances, and in the case of county commissioners, resolutions, possibly—are not discriminatory, and getting the approval of the district court or the Attorney General. Apparently the States and political subdivisions are given an option with respect to the approval of their acts, ordinances, or resolutions.

But according to the report of the House Committee, the Federal District Court in Washington is about two and one-half years behind in its calendar. If we have to wait five years before we can even go into court and ask for a release, and then have to wait until the case is reached in the district court—if we go that route—or if we go to the Attorney General and wait in line to get our act, ordinance, or resolution acted upon, there is no telling how long it might be before we could get approval by the court or the Attorney General.

But Mr. Justice Black, as the distinguished Senator from Mississippi pointed out, called attention to the fact that that was similar to the situation in Colonial America and that the Declaration of Independence cited similar grievances

against King George III. One of the items or charges or indictments against the British monarch was that he required the legislative and judicial bodies of the Colonies to meet at inconvenient places, places far removed from where the records of the Colonies were kept. He did that in order to force the colonies to submit to his will. Well, the colonies did not submit to his will. They rebelled against the English despotism and bureaucracy.

It was interesting that Mr. Justice Black compared that indictment against King George III to the requirement in the Voting Rights Act of 1965 that the States must come, hat in hand, to distant places, and lay their acts, resolutions, and ordinances before the court here in Washington, or the Attorney General here, for approval.

He objected very strenuously to the thought that a creature of Congress, or Congress itself for that matter, could veto acts of the legislative bodies of the respective States. He said if they could veto some act regarding voting or registering, they could veto any type of act; and if the Attorney General could veto it, the President could veto it, or it could be provided that he could veto it. And if it could be provided that the President could veto an act of a State, then it could be provided that any other Federal official that could be named could veto an act. Therefore, Mr. Justice Black is of the opinion that this act of Congress goes beyond the provisions of the Constitution and is unconstitutional. He thinks it might have the effect of helping to destroy the federal system, the relationship between the Federal Government and the State governments, wiping out State lines, and making the Federal Government supreme.

I must say that some of the distinguished Justice's other opinions do just that. I am glad that in this one opinion he seemed to lean the other way—not that it had any great effect upon the holding of the Supreme Court, because it was a dissenting opinion, but it does show the unreasonableness of such a requirement and the humiliating nature of the requirement with respect to the Southern States, just because in 1964 they had literacy tests in their States and fewer than 50 percent of the voting population went to the polls and voted.

Many Senators realized, I am sure, that in the once Democratic South, the big election is not the general election, even in a presidential election; it is the Democratic primaries. That is where we have our biggest votes. Certainly that is true in my State of Alabama. But the test was the 1964 presidential election figures.

There was really not much use in putting in the act that on November 1, 1964, 50 percent must have been registered or have voted, because obviously one could not vote if he were not registered. So they might just as well have knocked out the first requirement and just said "voting."

The Senator from Mississippi pointed out that the Scott-Hart amendment gives no credit to a State for the efforts it has made since 1965 to register its citizens, white and black. I might say parenthetically at that point that the formula that was set up in 1965, looking back retrospectively to the 1964 figures, did not take into account at all the matter of how many of the voters in the respective States were white or black. It could have been that every black person in a State was registered. So, if the percentage did not come up to 50 percent of all voters, the State would have been covered, even if there was no discrimination at all.

In viewing the future application of the Scott amendment, if it is adopted, if every black citizen in a State has been registered, the State is still covered by the Voting Rights Act of 1965, as amended by the Scott amendment, showing that no consideration whatsoever is to be given to whether discrimination does exist in Southern States.

The distinguished Senator from Michigan admitted on the floor that he knew of no case where there had been any discrimination in the State of Virginia; that he knew of no instance in which a Federal registrar or poll watcher or examiner had gone into Virginia, and that he knew of no instance in which there had been discrimination in the State of Virginia. Yet it continues to be covered by the Scott-Hart amendment.

Mr. STENNIS. Mr. President, will the Senator yield right there?

Mr. ALLEN. Yes, I am happy to yield.

Mr. STENNIS. The Senator has stated an odd situation indeed. I believe he is correct about it, but I do want to cross-examine him a little on it.

As I understand, the Senator says that there is no proof as to these States. I believe he said there were five of them.

Mr. ALLEN. There are seven in all.

Mr. STENNIS. Seven in all, but five in particular, I believe?

Mr. ALLEN. Yes.

Mr. STENNIS. But anyway, in the seven, there is no proof of any discrimination or wrongdoing, or violation of the law, or anything like that, and 5 years have passed?

Mr. ALLEN. That is correct.

Mr. STENNIS. And there is no determination of facts now that shows any violation or failure to comply; is that correct?

Mr. ALLEN. I stated that in arriving at this formula, as prescribed by the 1965 act, and in arriving at the increasing of the punishment or sentence, as provided by the Scott-Hart amendment, no consideration is given to whether or not discrimination does in fact exist. The formula continues to be applied.

Mr. STENNIS. Why? On what grounds does the formula continue to be applied? What is the penalty for? Why put it back, and continue the law?

Mr. ALLEN. Well, of course, as I have suggested, the law continues, but there is no reason why the length of the sentence against the Southern States should be continued. That is certainly my contention.

Mr. STENNIS. I have not heard any proof to the contrary of what the Senator from Alabama has asserted here.

Mr. ALLEN. No.

Mr. STENNIS. And to that extent, it appears to be another more or less arbitrary sectional act, not founded on fact nor wrong-doing, nor any conviction or anything of that kind.

Mr. ALLEN. And I might say, if there is any finding, by a court, of discrimination against any citizen, that immediately stops the running of this 5-year sentence, and starts a new 5-year period.

Mr. STENNIS. Yes.

Mr. ALLEN. So it seems to me that it is very unfair and discriminatory as against the South.

Mr. STENNIS. I heartily agree, and I thank the Senator for pointing that out.

Mr. ALLEN. Again I thank the distinguished Senator.

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

Mr. ALLEN. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I have been particularly of the feeling that the requirement that the States or counties within the seven States affected have to come here to the District of Columbia, and go and prostrate themselves either before the Attorney General or before the District Court of the District of Columbia, far removed from the scene of activity, is something that is humiliating, petty, and punitive.

Every one of the district judges and the judges of the circuit courts of appeals in the various States and areas that are involved in this situation—and there are a great many of them—have to be confirmed by this U.S. Senate, and have been confirmed by the Senate; is that not true?

Mr. ALLEN. That is correct.

Mr. HOLLAND. And is it not true also that in the discretion of Congress, this is the only matter in all of the gamut of civil rights enactments which is subjected to this kind of handling?

Mr. ALLEN. I believe it is the only one.

Mr. HOLLAND. Is it not true that the much more troublesome and much more controversial subject of integration of the schools and desegregation of the schools is left to the jurisdiction of the district judges?

Mr. ALLEN. It is.

Mr. HOLLAND. And to the circuit courts of appeals and the three-judge courts in the area affected?

Mr. ALLEN. Yes.

Mr. HOLLAND. Which lies, as I recall, in two separate circuits; and of course there are very many districts.

In all those jurisdictions, district judges and circuit judges now serving have met the test of going through confirmation here by the Senate of the United States; and the cases of desegregation or integration of the schools—which are certainly much more controversial than what we are talking about here—seem to have been cases which Congress feels can be safely and soundly left to the discretion and the honorable intentions, good motives, fine intellects, and excellent experience and training of the district judges and the circuit judges in the area affected by the legislation?

Mr. ALLEN. That certainly is true.

Mr. HOLLAND. Then as to criminal matters: As the Senator knows, there

have been some cases of murder, where conspiracy cases involving conspiracy to commit murder have been heard and are being heard before the district courts, and are being appealed to the circuit courts of appeals; and such cases are being left to the jurisdiction of the district judges and the circuit courts without any apparent feelings by Congress other than that those cases—some of them much more heinous and some of them much more controversial than those that are involved under this particular law—will be honorably handled by those district judges and circuit judges?

Mr. ALLEN. I cannot understand the distinction.

Mr. HOLLAND. Does it not seem to the distinguished Senator from Alabama that this section is particularly humiliating in its application to these circuit judges and these district judges? And, if I may say so, it seems to me that it is particularly petty and particularly punitive as to them.

Mr. ALLEN. Well, it certainly is.

Mr. HOLLAND. I cannot help calling attention to those matters here in this forum, the U.S. Senate, which is supposed to look, not just South, but all over the Nation when it confirms judges, and has done so when it has confirmed judges. I just cannot understand the application of such pettiness to this particular field of operation, a very noncontroversial field as compared to the others I have mentioned. I wonder if the Senator shares that opinion of the Senator from Florida.

Mr. ALLEN. I certainly share that opinion, and feel that it is an affront to the Federal district judges and the judges of the circuit courts of appeals. In a sense, it might be some little reflection on the Senate itself, because many if not most of these judges have been approved on recommendations of some of the Senators now sitting in this body.

Mr. HOLLAND. As a matter of fact, it is quite customary for the recommendations of Senators to be requested, and for them to be carefully examined by the Department of Justice and the FBI, and then reported to the committees here, and the committees here have full right to conduct investigations, as they have done recently and very searchingly in several cases, and then the Senate is asked to confirm, and has confirmed—generally by unanimous vote—and I think this kind of treatment is being dished out, if I may use that term——

Mr. ALLEN. That is a good expression.

Mr. HOLLAND. Because that is the way it seems to me it is happening—dished out to honorable men serving their country, and frequently called to other parts of the Nation to serve as visiting district judges and judges of circuit courts of appeals.

Mr. ALLEN. That is certainly correct.

Mr. HOLLAND. I just wanted this idea to be explored in the RECORD, because it seems to me it is peculiarly humiliating. I have not served in the Senate but 24 years, but I have noticed that the Senate, which is required to use the same fine discrimination and discretion in approving district court judges and circuit court of appeals judges in the South that it uses elsewhere—and I think it has used that kind of discrimination, discernment, and discretion in approving such appointments—in all that time has not seen fit not to approve any circuit court of appeals judge—and we have had two of them recently suggested for promotion to the United States Supreme Court. Certainly there is a pettiness lying in this whole field, which I think should be examined rather closely by all of our people.

They do not complain of the South when it comes to the defense of this country. They send down South for a Courtney Hodges in Georgia, or for a General Westmoreland in South Carolina, or for a General Patch in Texas, or for a General Van Fleet from my own State.

Mr. ALLEN. Admiral Moorer from my State.

Mr. HOLLAND. Admiral Moorer. Or General Geiger from my own State, who was in command of all the troops at the recapture of Guam from the Japanese; or General Buckner from Kentucky, who was in command up to the time he was slain at Okinawa, and he was succeeded by General Geiger; or General Summerall, from my State, to lead the 1st Army in France in World War I, where I had the honor of serving a while—under him, by the way. He was a native of my State.

They never seem to complain of us when it comes to our willingness to serve the country on the field of battle, and they never seem to complain of us in any other regard, until they come to this particular act, and then they want to humiliate, apparently, our district judges and our circuit judges who have been confirmed by the Senate—most of them unanimously. I just cannot understand this petty feeling which seems to prevail here.

I thank the Senator for yielding.

Mr. ALLEN. I appreciate the remarks of the distinguished Senator from Florida, and I share his perplexity over this pettiness and, I might say, vindictiveness. Certainly, we feel that it is an affront to our people, to our officials, and to the Senate itself, the Members of which have confirmed these very judges, who are not allowed to assume jurisdiction of these matters.

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

Mr. ALLEN. I yield.

Mr. HART. Not for a question, but for a very brief comment, and not to engage in colloquy, and anxious not to extend unduly the discussion.

Mr. ALLEN. I yield.

Mr. HART. The points that the Senator from Alabama has made so ably have been discussed on this floor in the last 11 days. The amendment that he proposes, the amendment that is pending, is itself a substitute for the substitute, and it zeroes in on the very heart and, as the Senator said earlier, the essence of the Voting Rights Act of 1965.

Fortunately, in my opinion, on several rollcall votes in which the amendments involved the elimination of all or a portion of section 4 and section 5, the Senate rejected the amendments. I hope that, understanding the character of the amendments that were rejected, the Senate will ratify its actions over the last few days.

I appreciate the Senator giving me to the opportunity to speak.

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

Mr. ALLEN. I yield.

Mr. STENNIS. I want to say this to the Senator from Alabama. As I said this morning, I have been tied up on matters, and I have not had the privilege of attending this debate as much as I should have. But I have been here today, and I wish more Senators could have had the chance to hear the arguments of the Senator from Alabama and to get the benefit of his knowledge of basic law and constitutional law on the far-reaching provisions of this act. They extend further than I thought they did.

The Senator from Alabama has made an outstanding contribution in the debate not only today but on previous days as well. I think the Senate and the Nation are indebted to him and will realize it more later than they do now.

I thank the Senator for yielding.

Mr. ALLEN. I thank the distinguished Senator from Mississippi for his kind remarks, for which I am deeply grateful.

Mr. President, the status of the various proposals before the Senate has been simplified somewhat during the course of the debate. The basic bill before the Senate is H.R. 4249, which was the administration recommendation to the House and continues to be the bill of the administration. I assume that the fact that it is here as the administration measure and that it passed the House as the administration measure certainly is proof that it is the measure recommended by the administration. So I suppose the bill itself will have to suffice as proof of its being the administration measure. I do not suppose we will have any letter presented by the Republican leader recommending the Scott-Hart substitute, as he has brought in in the past with regard to some proposal before the Senate.

Then there is the Scott-Hart amendment, to which has been added the Goldwater residence requirement in presidential elections, and to which has been added the Mansfield proposal for 18-year-olds to vote.

I believe the issues have been simplified somewhat by the passage by the Senate of amendments to the administration bill, H.R. 4249, where the Goldwater amendment was added and the Mansfield amendment also was added, making the issue the straight issue of whether we are going to follow the plan suggested by the President, H.R. 4249, in the matter of dealing with voting rights or whether we are going to have the punitive and vicious Scott-Hart substitute, which would increase by 5 years the sentence that Congress has placed on the Southern States.

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

Mr. ALLEN. I yield.

Mr. PASTORE. Has the Senator asked for the yeas and nays?

Mr. ALLEN. No.

Mr. PASTORE. Could we ask for the yeas and nays on the Senator's amendment, now that a sufficient number of Senators are present?

Mr. ALLEN. Yes. I have no objection.

Mr. PASTORE. I ask for the yeas and nays on this amendment, Mr. President.

The yeas and nays were ordered.

Mr. PASTORE. I thank the Senator.

Mr. ALLEN. The amendment of the junior Senator from Alabama seeks to amend not H.R. 4249 but the Scott substitute, because the Scott substitute seeks to operate upon, so to speak, the original 1965 act and to amend sections 4 and 5 of that act by increasing the length of the sentence against the South. The amendment of the junior Senator from Alabama would put all States on the same basis and, in effect, would comply with the administration's wish as stated by the Senator from Nebraska (Mr. HRUSKA) earlier this afternoon; and that, in effect, was the adoption of the amendment which would give us, in effect, a national law applicable to all the States alike.

We have been hearing a whole lot in this Chamber in recent weeks about uniformity, uniformity of application of Federal law. But here we have one of the rankest and most vicious cases of nonuniformity that has been the displeasure of the junior Senator from Alabama to see, to have this automatic trigger pulled on the South. For the punitive provisions to apply only in the South, and for our States and our people to be singled out for these punitive provisions, is humiliating, indeed.

As the distinguished Senator from North Carolina pointed out in one of his numerous speeches in this Chamber on this issue, a State does not just consist of a State government, of the land within the boundaries within the State, it also consists of the people who live there.

Thus, this indictment against these States is not, really, an indictment against the State as a State government, or as a political body or a political entity, but is an indictment against the people of the respective States.

Certainly, on behalf of the people of Alabama and the people of the South, I resent this very, very much.

Now, with this great record that we have in Alabama and the South in registration, which has brought the average registration in the Southern States up to the vicinity of 65 to 70 percent, as pointed out in the report of the House committee reporting the bill back to the House, we have far exceeded the requirement that was set and the standard that was set in 1965.

But there is no relief for us. It was sought to update the figures and to use 1968 as the year for the criteria; but that effort was beaten down. The Senate did accept the Cooper amendment to set up still another classification of those who did not come up to the required standard in 1968, and it brought in numerous counties outside the South, including three, I believe, in the city of New York.

But, no matter how much progress we have made in the past 5 years, we are still governed by the automatic triggering device provided by the Voting Rights Act.

Now, Mr. President, this effort of the Scott-Hart amendment to increase this sentence against the Southern States is, in effect, an ex post facto law. It increases the sentence or the term of imprisonment of the people of the Southern States by 5 years after the sentence has been passed.

It reminds me of the biblical story of Jacob, who was promised by Laban that he could have his daughter Rachel as a wife if Jacob would work for him for 7 years. Jacob worked for him for the 7 years, but instead of getting Rachel for a wife, he got Rachel's older sister Leah, and he had to work another 7 years to receive Rachel for a wife.

That situation is comparable to the situation in the Southern States.

We have been promised that if we would go for 5 years without discrimination in the matter of elections and in voting, we could get release on petition to the Federal Court in Washington. As we see the time approach when we can go into the court and pray for relief, we are now told that we have got to wait still another 5 years before we can achieve this objective.

Thus, it is unfair. It is unfair to apply this rule to the South and not apply it to the rest of the Nation.

If we knock out sections 4 and 5, as the amendment offered by the junior Senator from Alabama seeks to do, we will have a truly national bill.

Therefore, I hope that the Senate will vote favorably on the amendment.

Mr. HRUSKA. Mr. President, the amendment of the Senator from Alabama meets the approval of this Senator. In fact, it is a part and parcel of H.R. 4249, the administration bill which received the approval of the House. It goes a little further, however, than the present amendment of the Senator from Alabama. The administration bill goes from that point to substituting other enforcement procedures in place of sections 4 and 5.

The Senator from Nebraska would like to discuss briefly section 5 of the 1965 act, which provides for preclearance of State statutes or local ordinances having to do with election laws that are passed by States or political subdivisions covered by the section 4 triggering formula.

The Senator from Alabama has made a good case against section 5. I make no bones about its undesirability. In the last analysis, although I objected to section 5 in the present text, I voted for the voting rights bill in 1965 believing that, as a temporary measure, the existence of that provision in the overall law could be tolerated in order to correct a situation that was very severe and perhaps not easily remedied at that time without that kind of provision.

However, I believe it has served its purpose, and I believe the experience of the last 5 years has been such as to demonstrate that section 5 ought to be repealed.

The administration bill, as I mentioned, removes section 5 of the Voting Rights Act of 1965. It has been asked, What was the reason for eliminating the procedures under that section? The basic reason is that section 5 has not operated effectively. During the almost 5 years that section 5 has been in effect, 426 laws have been submitted to the Attorney General for approval. It is apparent that voting laws have been enacted and applied by States and localities covered by section 5 which have not been submitted to or approved by the Attorney General. But even more meaningful than that is the fact that the Attorney General has objected to only 22 of the 426 voting laws submitted.

Thus, section 5, which imposes considerable demands on State and local governments, and which involves the expenditure of considerable time and energy by the Department of Justice, has prevented the implementation of only 22 discriminatory voting laws in a period of 5 years.

This is one Senator who does not feel that the small advantage gained justifies the burdens involved.

Already the example has been given of how ludicrous it is to require a State legislature, before it enacts and applies a schedule of new filing fees, for example, raising the fees from $5 to $25—as is one actual case—to come to the Attorney General, hat in hand, and say, "Mr. Attorney General, may we please enact and enforce this law, and put it into effect?"

We had testimony before our Committee on the Judiciary in which Mr. David Norman, the Deputy Assistant Attorney General, representing the Department of Justice, was asked this question:

> If that change was from a $5 filing fee to a $6 filing fee, would that have required the approval of the Attorney General?

His answer was, "Yes."

Mr. Norman went on to say that if the law proposed by the State legislature would have reduced that filing fee from $5 to $3, that State would still have had to come in and request approval.

Mr. President, that is not only degrading and demeaning, it is totally ludicrous and absurd. There are ways to solve that situation without extending this preclearance provision for another 5 years.

I would like to comment on the administration's substitute for section 5 of the 1965 act. It expressly authorizes suit by the Attorney General. If this provision is adopted, it is asked, will individual citizens be able to sue to prevent enforcement of discriminatory voting laws? The answer is "Yes." Individuals could still sue. There is no express mention in the proposal of suits by individuals. Notwithstanding that, it would be entirely proper for a court to permit such a suit on the basis of the administration's section 5.

This provision is intended to protect the rights of individual citizens. It is well established that a member of the class protected by a statute may sue on the basis of the statute, even though there is no express authorization for such a suit. The U.S. Supreme Court applied such reasoning in holding that an individual could sue to enjoin violation of

the present section 5; the case involved was *Allen* v. *State Board of Elections*, 393 U.S. 544, which was decided last year.

Furthermore, other existing statutes authorize suits by individuals against discriminatory voting laws—42 U.S.C. section 1983, and sections 1971 and 1972, are all statutory authority for this purpose.

The right of private individuals to sue, under the proposed section 5 in H.R. 4249, would supplement the authority of the Attorney General to bring court actions, and would afford additional protection against the implementation of discriminatory voting laws.

The question has been raised whether the administration proposal completely eliminates the responsibility of States and localities to submit voting laws to the Attorney General. The answer is "No." This is a common misunderstanding regarding the administration proposal.

Under section 3 of the 1965 act—which would remain in effect under the administration bill—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 would retain jurisdiction of the proceeding for an appropriate period. It would be a matter of continuing jurisdiction; and during that period, which would be determined by the court, the State, or locality would be required to follow the preclearance procedures presently included in section 5.

Thus the State or locality, in such circumstances, could not implement a new voting law unless it was approved by the Attorney General or the appropriate Federal district court ruled that the law was not discriminatory. The administration bill thus eliminates the formula based on the 1964 voting statistics as the trigger for the submission requirement. It provides for submission only if it is proven in court that the State or political subdivision has discriminated in voting.

I believe that this is a more appropriate standard, since it would impose the submission requirements only under situations in which they are really needed, and not in those ludicrous situations such as the example I cited of changing the filing fee for public office.

The question has further been asked, What procedure would be followed by the Attorney General in suits brought under section 5 of the administration proposal? Mr. President, I would reply to that question in this way: These suits would be brought in the appropriate Federal district courts, from which there would be direct appeal to the U.S. Supreme Court. Under the bill, the Court would be authorized to issue temporary restraining orders and preliminary injunctions, as well as other appropriate orders.

The procedure for granting temporary relief by a three-judge court is found in title 28 of the United States Code, governing judicial procedures. In short, if the Attorney General makes an application for interlocutory relief, a single district judge may at any time grant a temporary restraining order, which would remain in effect until the hearing before the full court takes place. Further, under the statute the matter would be given precedence, and would be assigned for a hearing at the earliest practical 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.

We believe that this procedure is flexible enough to enable the Attorney General to act quickly to block the enforcement of discriminatory voting 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 were applied in the election—and in most cases these showings should not be difficult to make—the Attorney General could obtain a temporary restraining order preventing application of the law.

Section 5 of the administration bill does not provide for the submission of voting laws to the Attorney General. The question is asked whether this would make it difficult for him to know whether discriminatory laws have been passed, and thus limit the effectiveness of the provision giving authority to the Attorney General to bring suit to enjoin the enforcement of these laws.

The answer to this question, Mr. President, is that there would be no serious difficulty in the Attorney General's keeping track of State voting laws which are officially printed and reported. He would have available the Department of Justice staff for this purpose. In addition, complaints would be received by the Attorney General from private individuals and organizations regarding any discriminatory laws passed. It might be more difficult for the Attorney General to keep informed as to local laws, which are not normally reported. However, it is significant that, under section 5 as presently enforced, a relatively small percentage of the laws actually submitted to the Attorney General were local laws. Statistics supplied by the Department of Justice show that, of the 426 laws submitted under section 5 during that 5-year period, only 34 were local laws, including ordinances and regulations and the like. That is an average of about six a year.

It is clear, therefore, that the present section 5 has been far from successful in bringing local voting laws to the attention of the Attorney General. It is my view that the Attorney General could, without undue burden to his staff, maintain no less effective scrutiny of local laws under section 5 provisions than in the H.R. 4249 bill, as approved in the House, which is before the Senate at this time.

Mr. President, I chose to make this explanation of the administration bill at this time because I think it fits in with the amendment proposed by the Senator from Alabama. He complains of the provisions of section 5, and rightly so. It should not remain on the books any longer. It was inherently bad legislation to start out with, and it should not be retained.

One of the chief reasons it is bad legislation is that it puts into the hands of a political appointee, in the person of the Attorney General, even though he is confirmed by the Senate the power and the responsibility of reviewing the legislative acts of a sovereign state; and this is not only a violation of the separation of powers doctrine by an executive department official assuming jurisdiction over a legislative body, but there is also a violation of the Federal and State relationship which is an integral part of our concept of Federal Government.

So to the extent that this amendment calls for the repeal of section 5, I want to support it and say that it will rid the law of a very unnecessary and very ineffective provision.

Mr. ALLEN. I thank the distinguished Senator from Nebraska for his able and eloquent remarks. They have made an important contribution to the discussion. I appreciate his support of the amendment. I appreciate his explanation of the discriminatory fashion in which sections 4 and 5 operate, and how humiliating is the effect of requiring a State or a smaller political subdivision to come to Washington for approval of one of its acts.

I think the Senator from Nebraska has made a most important contribution to the discussion, and I am deeply grateful to him.

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the amendment of the Senator from Alabama.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from California (Mr. CRANSTON). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. MONTOYA). If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

Mr. GRIFFIN. I announce that the

Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) is detained on official business.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Maryland would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 101 Leg.]

YEAS—16

Allen	Holland	Sparkman
Allott	Hollings	Stennis
Byrd, Va.	Hruska	Talmadge
Curtis	Jordan, N.C.	Thurmond
Eastland	Long	
Ervin	Murphy	

NAYS—63

Aiken	Goldwater	Packwood
Anderson	Goodell	Pastore
Baker	Gore	Pearson
Bayh	Griffin	Pell
Bellmon	Hansen	Percy
Bible	Hart	Prouty
Boggs	Hartke	Proxmire
Brooke	Hatfield	Randolph
Burdick	Jackson	Ribicoff
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Cook	Magnuson	Smith, Maine
Cooper	Mansfield	Spong
Cotton	McGee	Symington
Dole	McGovern	Tydings
Dominick	McIntyre	Williams, N.J.
Eagleton	Miller	Williams, Del.
Fannin	Mondale	Yarborough
Fong	Muskie	Young, N. Dak.
Fulbright	Nelson	Young, Ohio

NOT VOTING—21

Bennett	Harris	Montoya
Church	Hughes	Moss
Cranston	Inouye	Mundt
Dodd	Mathias	Russell
Ellender	McCarthy	Smith, Ill.
Gravel	McClellan	Stevens
Gurney	Metcalf	Tower

So Mr. ALLEN's amendment was rejected.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO INCREASE THE LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

A letter from the Director, Bureau of the Budget, transmitting a draft of proposed legislation to increase the statutory limitation on fiscal year 1970 budget outlays (with an accompanying paper); to the Committee on Appropriations.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for July–December 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Ninetieth Quarterly Report on Export Control covering the fourth quarter of 1969 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED DISTRICT OF COLUMBIA LICENSING PROCEDURES ACT

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to revise and modernize the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED LEGISLATION AUTHORIZING THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF CLAIMS PAID BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of all claims paid by this Department under the Military Personnel and Civilian Employees' Claims Act of 1964 for the calendar year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SECRETARY OF THE INTERIOR UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report covering all employee claims of the Department in fiscal year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON PROPOSED LEASING OF SPACE BY GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on proposed leasing of space at various locations in buildings to be constructed or altered; to the Committee on Public Works.

PROPOSED AMENDMENT OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 1

"Resolution Relative to the Emergency Detention Act of 1950

"Whereas, During World War II, American citizens of Japanese ancestry experienced firsthand the deprivation of their freedom through involuntary evacuation and placement in detention camps; and

"Whereas, More than 100,000 human beings, as a result of this detention, suffered gravely through the total denial of human rights and disregard of principles of constitutional safeguards for individual liberty; and

"Whereas, Americans of all nationalities regret that sad and tragic part of their history; and

"Whereas, The same danger exists today due to the existence of Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950, which provides that upon the declaration by the President of a state of "internal security emergency," the President, through the Attorney General, "may apprehend and by order detain . . . each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of sabotage or espionage"; and

"Whereas, A person who is detained under the Emergency Detention Act of 1950 is denied his rights to trial under law and is further denied those civil rights and liberties which are guaranteed to him under the Constitution; and

"Whereas, There exist more meaningful, just, and effective laws and procedures to safeguard internal security; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to repeal Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950; and be it further

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

A joint resolution of the Legislature of the State of Tennessee; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 100

"Resolution to apply to the Congress of the United States to submit to the states an amendment to the United States Constitution to limit the power of Congress and of individual states to tax the income from interest bearing evidences of indebtedness of other levels of government

"Whereas, Taxes by the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign

power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, The constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, Such recurring attempts to tax the interest on such evidences of indebtedness flaunt the Constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in McCulloch v. Maryland (4 Wheat 316) in the year 1819 and more specifically applied by that Court in Pollack v. Farmers' Loan & Trust Co. (157 U.S. 429) and later cases; and

"Whereas, It is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and, consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore,

"Be it resolved by the Senate of the Eighty-Sixth General Assembly of the State of Tennessee, the House of Representatives concurring, That application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Tennessee, by this Joint Resolution, to wit:

" 'Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof.' "

"Be it further resolved, That a duly attested copy of this Joint Resolution shall be forwarded to both the President and Secretary of the Senate of the United States and to the Speaker and Clerk of the House of Representatives of the United States.

"Adopted: February 19, 1970.

"FRANK C. GORRELL,
"Speaker of the Senate.
"WILLIAM L. JENKINS,
"Speaker of the House of Representatives.
"Approved
"BUFORD ELLINGTON,
"Governor."

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. YOUNG of Ohio. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 10 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

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

Rear Adm. Frederick H. Schneider, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Lt. Gen. John W. Carpenter III (major general, regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Col. Charles P. Deane, Col. Herbert M. Martin, Jr., Col. John A. Spencer, Jr., and Col. Donald W. Stout, U.S. Army Reserve officers, for promotion to brigadier generals as Reserve commissioned officers of the Army;

Col. Keith E. McWilliams, Army National Guard of the United States, for promotion to brigadier general as a Reserve commissioned officer of the Army;

Brig. Gen. James J. Lison, Jr., and Brig. Gen. Harold R. Patton, Army National Guard of the United States officers, for appointment as major generals as Reserve commissioned officers of the Army; and

Col. Howard V. Elliott, Army National Guard of the United States officer, to be brigadier general as a Reserve commissioned officer of the Army.

Mr. YOUNG of Ohio. Mr. President, in addition, I report favorably 2,001 promotions and appointments in the Army in the grade or colonel and below; 2,451 promotions in the Navy in the grade of captain and below, and 1,692 appointments in the Marine Corps in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to 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:

Arlo E. Abbott, and sundry other officers, for promotion in the Regular Army of the United States;

William K. Adkins, and sundry other Naval Reserve Officers Training Corps candidates, for permanent promotion in the Navy;

Martin E. Zadigian, civilian college graduate, for assignment in the Navy;

Donald Aguilar, and sundry other scholarship students, for appointment in the Regular Army of the United States;

Charles D. Allen, Jr., and sundry other officers, for promotion in the Navy;

Robert V. Anderson, and sundry other officers, for promotion in the Marine Corps;

Elmer R. Jackson, and sundry other Naval Reserve Officers Training Corps candidates, for appointment in the Marine Corps;

Peter A. Acly, and sundry other officers, for promotion in the Marine Corps; and

Edward Stephen Amis, Jr., and sundry other officers, for promotion in the Navy.

EXECUTIVE REPORT OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, as in executive session, reported an original Senate executive resolution (S. Ex. Res. 1) returning to the President of the United States, as requested in his message to the Senate of February 24, 1970, the Protocol between the United States of America and the United Mexican States, signed at Mexico City on December 21, 1967 (Ex. B, 90th Congress, second session), and submitted a report thereon (Ex. Rept. No. 91–15), which report was ordered to be printed and the resolution was placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 3584. A bill to modify the comprehensive plan for the Missouri River Basin with respect to certain bank protection and rectification works; to the Committee on Public Works.

By Mr. SPARKMAN:

S. 3585. A bill to provide a Federal employee with certain procedural rights if he is removed or reduced in grade as the result of a reduction in force, and to authorize saved pay to be paid to a Federal employee reduced in grade because of a reduction in force due to lack of funds; to the Committee on Post Office and Civil Service.

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

By Mr. YARBOROUGH (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MONDALE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. SPONG, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey):

S. 3586. A bill to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. McGOVERN:

S. 3587. A bill for the relief of Sotirios Zontanos; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mrs. SMITH of Maine):

S. 3588. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

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

S. 3585—INTRODUCTION OF A BILL TO PROVIDE FEDERAL EMPLOYEES WITH CERTAIN PROCEDURAL RIGHTS

Mr. SPARKMAN. Mr. President, the Congress has acted effectively, I believe, in reducing Federal expenditures both last year and this year. The continuing battle against inflation required it, and, although this has seemed to escape widespread notice in the press, the Congress has acted responsibly in responding to the needs of the economy.

While we can be gratified by the knowledge that we made those hard decisions that had to be made in the fight against inflation, I think we have to

realize that those decisions are having far-reaching implications throughout the economy—implications that touch the lives of many American citizens. The group that is most directly and most severely hit are those employees of the Federal Government that become involved in reductions in force due to lack of program funds. Federal employees are being terminated or demoted in large numbers, and they are entitled to our consideration in softening this blow, and in assuring that their rights are fully protected. I am introducing a bill today to accomplish this.

Mr. President, my bill basically provides two things. First, the bill gives to Federal employees affected by a reduction in force the right to a hearing. It seems to me that this is the least we can do to assure that the rights of such employees are fully protected. Civil service regulations give such a right to employees who are accused of inefficiency or wrong-doing, and I feel that this right should be given as a matter of law to workers whose employment is being adversely affected through no fault of their own.

Second, my bill will extend the saved-pay provisions of the Civil Service Act to employees who are demoted in a reduction in force due to lack of funds. Under present law, an employee who is demoted for other than personal cause is entitled to have his pay continue at its previous level for a period of 2 years; except that this right is not extended to employees who are demoted in a reduction in force due to lack of funds or curtailment of work. My bill will repeal this exception in the case of reductions in force due to lack of funds. This is a necessary step it seems to me, to soften the impact of reductions in Federal expenditures made necessary by what we all hope are only temporary economic conditions.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD following these remarks. I urge the Members of the Senate to give their careful and sympathetic attention to this legislation, which will mean so much to American families whose source of income is being abruptly cut off or substantially reduced, at a time when prices remain so high.

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

The bill (S. 3585) to provide a Federal employee with certain procedural rights if he is removed or reduced in grade as the result of a reduction in force, and to authorize saved pay to be paid to a Federal employee reduced in grade because of a reduction in force due to lack of funds, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 75 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7502. Removal or reduction in grade due to a reduction in force; procedure

"(a) An individual in the competitive service who is to be removed or reduced in grade as the result of a reduction in force is entitled to—

"(1) at least 30 full days advance written notice of the proposed removal with specific reasons explaining why the reduction is required and informing the individual of his right to answer the notice personally or in writing prior to removal;

"(2) a reasonable time for answering the notice personally and in writing and for furnishing affidavits in support of the answer;

"(3) a written decision on the answer at the earliest practicable date, including the reasons for the decision and informing the individual of his right of appeal; and

"(4) the right to appeal to the agency employing the individual and then to the Civil Service Commission or directly to the Commission.

"(b) This section does not apply to the removal of an employee under section 7532 of this title."

(b) The analysis of such chapter, preceding section 7501, is amended by adding after item 7501 the following item:

"§ 7502. Removal or reduction in grade due to a reduction in force; procedure

Sec. 2. (a) Section 5337 (a) (3) (C) of title 5, United States Code, is amended by striking out "lack of funds or".

(b) Section 5337 (a) (C) (iii) of such title is amended by striking out "lack of funds or".

S. 3586—INTRODUCTION OF THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. YARBOROUGH. Mr. President, our health care delivery system is in a state of chaos. Some would say it is near collapse. The demand for service far exceeds the capacity of our health system to respond. Thus costs escalate and service deteriorates.

Our schools are not producing enough graduates in the health fields. This is true of both doctors and support personnel in the allied health fields.

While I am convinced that our health delivery system is in need of major reform, I recognize that until we have such reform, the Federal Government must continue to provide assistance under existing Federal grant programs. We must, of course, improve existing programs wherever possible. We must also extend and improve those which are about to expire.

I do not think anyone will deny that we have a severe shortage of physicians. Currently, this shortage stands at about 50,000 doctors. And there are not enough medical schools to alleviate this situation in the foreseeable future. Indeed, the situation promises to grow worse before it improves.

One of the best opportunities available to improve the productivity of our doctors is through the use of the team approach—the use of health personnel trained to assist doctors in routine tasks within their level of competence. In other words, today's physicians must make more efficient use of their time. They must use more allied health professionals as an extension of their own diagnostic and therapeutic efforts. Yet all too often today we find that doctors are performing tasks which could well be done better and at less cost by individuals who are trained less broadly but more intensively. Unfortunately, the shortage of allied health personnel is also severe.

There is currently a shortage of about 150,000 allied health professionals in our country. According to the annual report on the administration of the Allied Health Professions Personnel Training Act of 1966, which the Secretary of Health, Education, and Welfare sent to the Congress and to the President on April 29, 1969, there will probably continue to be a substantial and harassing manpower shortage. The report states that "although the number of graduates is increasing, the current output of new workers is small in proportion to the demand." In fact, projections indicate that these shortages will be greater in 1975 than they are now, and the trend is expected to continue to 1980.

Part of the rising need for allied health professionals is due to our increasing population and increasing demand for medical services. Part of it is due to changing medical practices. Advances in medical and environmental research and technology, for instance, have brought about an increase in new allied health occupations. Some examples of these are the physician assistants, biomedical equipment technicians, extracorporeal circulation specialists, air pollution technicians, child health associates and others. This is a field that encompasses 200 different specialties and the number is growing. All of the specialties could be eligible for assistance.

In this connection, I should like to point out that in 1900 there was one support person for each physician; today the ratio is about 13 health professionals to one physician. By 1975, the ratio could be as high as 25 to 1.

It is obvious that the problems I have described cannot be corrected by State or local government or by the medical profession itself. Federal assistance is necessary, and to cope with the problem adequately it must be substantial. As I have stated on a number of occasions in the past, I am greatly disturbed that this, the richest country on earth, ranks well below a number of industrial countries in infant mortality, maternal mortality and life expectancy. I know we have the means to improve our ranking, but do we have the will? I hope so.

The Health Training Improvement Act of 1970, which amends the Public Health Service Act to establish the eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for grants under the existing program of grants to improve the quality of such schools, and to extend and improve the program relating to training of allied health professions personnel.

The need for qualified health personnel is such that we need to remove all impediments to existing programs which tend to mitigate against increases in health manpower.

Section 771 of the Public Health Service Act addresses itself to the applications of established schools with prior enrollment history. Section 101 would make inapplicable certain of these pro-

visions in the case of new schools. In lieu thereof, section 101 would stipulate that the Secretary of Health, Education, and Welfare shall prescribe criteria for enrollment increases for new schools and for determining the amount of each grant in excess of $25,000 to new schools.

The current program of grants to improve the quality of training centers for allied health professions is much too rigid to meet the pressing needs for qualified health manpower. Among other things, the current program does not provide sufficient incentives to induce prospective students to undertake a course of study in the allied health fields. And, of course, the program must be made sufficiently flexible to permit us to take full advantage of all qualified training facilities, including but not limited to junior colleges, colleges, and universities. There are many public and nonprofit private agencies, institutions, and organizations capable of training personnel in the allied health professions. They should be eligible for assistance.

In addition, we need to study and develop mechanisms for determining equivalency and proficiency of previously acquired skills and to develop new means of recruitment, retraining, or retention of allied health personnel.

The need for equivalency examinations appears obvious. The objectives of formal instruction can be achieved in other than a classroom situation. The acquisition of knowledge and skills can be measured by examination and performance. Educational institutions can use the results of these examinations as a basis for advance placement or academic credits. Thus, I can see no reason why students in the allied health professions should be required to repeat what they have already mastered.

If we can develop equivalency examinations which are acceptable to schools, to licensing bodies, and to the health profession, we should be able to take full advantage of a resource which is poorly used—the returning veteran with military training and experience in health occupations. When the need is so great, we cannot afford to impose impediments to the use of skills acquired in the Armed Forces when veterans return to civilian service. Indeed, we should marshal our resources to make it simple for them to do so.

If we are to close the gap between supply and demand and if we are to make better use of that vast pool of manpower—the economically deprived—we must provide scholarship grants to individuals of exceptional financial need who require such assistance to pursue a course of study in the allied health fields.

In addition, we need to provide Federal grants for a work-study program for those students who are not sufficiently poor to be eligible for a scholarship or who do not want to burden themselves financially for a long period of time with a loan.

If we are to provide all contingencies, we need to provide Federal assistance for a loan program for students who are not eligible for a scholarship and for any number of reasons cannot or will not undertake a work-study program, but still need some form of assistance to undertake a program of study in the allied health fields. And in order to encourage service in the central core of our large urban areas and in the rural sections of the country, we need a cancellation provision on these loans for service in such areas.

The need for qualified professionals in the allied health fields has been amply demonstrated by the news media. To a far greater extent than ever before, the average American has been deluged with information on the status of our health delivery system. My own experience as chairman of the Committee on Labor and Public Welfare plus the numerous articles I have read on the subject, leads me to believe that the Nation is undergoing a massive health crisis. The bill I am introducing today will not of itself solve our health problems. Without it, however, existing conditions will deteriorate. We cannot afford to permit this to happen.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed in the RECORD.

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

The bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Training Improvement Act of 1970".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress to advance the public welfare by promoting the expansion and improvement of the health professions in order to meet the growing and critical health needs of our expanding population.

TITLE I—SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, VETERINARY MEDICINE, AND PODIATRY

INSTITUTIONAL GRANTS

SEC. 101. (a) Section 771 of the Public Health Service Act (42 U.S.C. 295f–1) is amended by adding at the end thereof the following new subsection:

"(d) In the case of an application for a grant under this section for a new school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry, the provisions of subsection (b)(1) and subparagraphs (A) and (B) of subsection (a)(1) of this section shall not apply. In lieu of such provisions, the Secretary shall by regulations prescribe criteria (1) for enrollment increases to be met by the applicants for such grants, and (2) for determining the amounts of each such grant in excess of the $25,000 authorized by subsection (a)(1) of this section."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to sums available for grants under section 771 of the Public Health Service Act from appropriations under section 770 of such Act for the fiscal years ending after June 30, 1970.

TITLE II—ALLIED HEALTH PROFESSIONS

GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 201. (a) Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out the "and", and (2) by inserting immediately before the period at the end thereof the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975".

(b) Section 791(b)(1) of such Act (42 U.S.C. 295h(b)(1)) is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1974".

GRANTS TO IMPROVE THE QUALITY OF TRAINING CENTERS FOR ALLIED HEALTH PROFESSIONS

SEC. 202. (a) Section 792(a) of the Public Health Service Act (42 U.S.C. 295h–1(a)) is amended by striking out "and $20,000,000" and all that follows down to but not including the period at the end thereof and inserting in lieu thereof the following: "$20,000,000 for the fiscal year ending June 30, 1970; and $15,000,000 for each of the next five fiscal years; for grants for basic improvements under this section to assist training centers for the allied health professions to improve the quality of their educational programs".

(b) Section 792(a) of such Act is further amended (1) by inserting "(1)" immediately after "(a)", and (2) by adding at the end thereof a new paragraph (2) as follows:

"(2) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975; for special project grants under this section to assist public or nonprofit private agencies, institutions, and organizations in providing or maintaining existing programs or planning or establishing new programs for training or retraining of allied health personnel."

(c) Section 792(b) of such Act (42 U.S.C. 295h–1(b)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(d)(1) Section 792(c) of such Act (42 U.S.C. 295–1(c)) is amended to read as follows:

"(c) From the sums appropriated under subsection (a)(2) of this section for any fiscal year, the Secretary, is authorized to make special project grants under this section to public or nonprofit private agencies, institutions, and organizations to (A) plan, develop, or establish new programs for the training or retraining of allied health personnel, (B) effect significant improvements in the curriculums of programs for the training or retraining of such personnel, (C) expand training capacity in programs for the training or retraining of such personnel, or (D) establish special curriculums, in programs for the training or retraining of allied health personnel, designed to meet the needs of, and encourage and facilitate participation in such programs by individuals who are economically or culturally deprived, are re-

turning veterans of the Armed Forces of the United States with training or experience in or related to the allied health fields, or are reentering or interested in reentering the allied health fields."

(2) The heading to such section 792(c) is amended by striking out "IMPROVEMENT" and inserting in lieu thereof "PROJECT".

(e) Section 792(d)(2)(A) of such Act (42 U.S.C. 295h–1(d)(2)(A)) is amended by inserting 'in the case of an application for a basic improvement grant," immediately after "(A)".

(f) The amendments made by this section shall be effective only with respect to grants made under section 792 of the Public Health Service Act from sums appropriated under such section for fiscal years ending after June 30, 1970.

TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 203. (a) Section 793(a) of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended (1) by striking out "and" after "June 30, 1969" and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971: $9,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975;".

(b) Section 793(b) of such Act (42 U.S.C. 295h2(b)) is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, institutions, and organizations".

(c) Section 793(c) of such Act (42 U.S.C. 285h–2(c)) is amended by striking out "centers" and inserting in lieu thereof "public and nonprofit private agencies, institutions, and organizations".

DEVELOPMENT OF NEW METHODS

SEC. 204. (a) Section 794 of the Public Health Service Act (42 U.S.C. 295h–3) is amended (1) by striking out "and" after "June 30, 1969;", (2) by inserting after "June 30, 1970;" the following: "$6,000,000 for the fiscal year ending June 30, 1971; $8,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $12,000,000 for the fiscal year ending June 30, 1974; and $14,000,000 for the fiscal year ending June 30, 1975;" and (3) by inserting "or contracts with" immediately after "grants to".

(b) Such section 794 is further amended (1) by inserting "(1)" after "project", and (2) by inserting immediately before the period at the end thereof the following: ", (2) to study and develop mechanisms for determining the equivalency and proficiency of previously acquired knowledge and skills related to the allied health professions, (3) to develop, experiment with, and demonstrate new teaching methods and curriculums relating to the allied health professions, and (4) to develop, demonstrate, and evaluate new means of recruitment, retraining, or retention of allied health personnel".

REDESIGNATION OF SECTIONS

SEC. 205. Sections 795, 796, 797, and 798 of such Act are hereby redesignated as sections 799, 799a, 799b, and 799c, respectively.

ENCOURAGEMENT OF FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE ALLIED HEALTH PROFESSIONS

SEC. 206. Part G of title VII of the Public Health Service Act is amended by adding immediately after section 794 thereof the following new sections:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PROFESSIONS

"SEC. 795. (a) To assist in meeting the need for additional trained personnel in the allied health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions, including returning veterans of the Armed Forces of the United States with training or experience in the health field, and encouraging and assisting them, whenever appropriate, to (A) complete secondary school, (B) undertake such postsecondary training as may be required to qualify them for training in the allied health professions, and (C) undertake postsecondary educational training in the allied health professions, or

"(2) publicizing existing sources of financial aid available to persons undertaking training or education in the allied health professions.

"(b) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; and $1,750,000 for the fiscal year ending June 30, 1975.

"SCHOLARSHIP GRANTS

"SEC. 796. (a) The Secretary is authorized to make (in accordance with such regulations as he may prescribe) grants to public or nonprofit private agencies, institutions, and organizations with an established program for training or retraining of personnel in the allied health professions or occupations for (1) scholarships to be awarded by such agency, institution, or organization to students thereof, and (2) scholarships in retraining programs of such agency, institution, or organization to be awarded to allied health professions personnel in occupations for which such agency, institution, or organization determines there is a need for the development of, or the expansion of, training.

"(b) Scholarships awarded by any agency, institution, or organization from grants under subsection (a) shall be awarded for any year only to individuals of exceptional financial need who require such assistance for such year in order to pursue a course of study offered by such agency, institution, or organization.

"(c) Grants under subsection (a) may be paid in advance or by way of reimbursement and at such intervals as the Secretary may deem appropriate and with appropriate adjustments on account of overpayments or underpayments previously made.

"(d) Any scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the individual's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization awarding the scholarship may determine to be needed by such individual for such year on the basis of his requirements and financial resources; except that the amount of any such scholarship shall not exceed $2,000, plus $600 for each dependent (not in excess of three) in the case of any individual who is awarded such a scholarship.

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971; $7,000,000 for the fiscal year ending June 30, 1972; $8,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

"WORK-STUDY PROGRAMS

"SEC. 797. (a) The Secretary is authorized to enter into agreements with public or nonprofit private agencies, institutions, and organizations with established programs for the training or retraining of personnel in the allied health professions under which the Secretary will make grants to such agencies, institutions, and organizations to assist them in the operation of work-study programs for individuals undergoing training or retraining provided by such programs.

"(b) Any agreement entered into pursuant to this section with a public or nonprofit private agency, institution, or organization shall—

"(1) provide that such agency, institution, or organization, will operate a work-study program for the part-time employment of its students or trainees either (A) in work for such agency, institution, or organization or (B) pursuant to arrangements between such agency, institution, or organization and another public or private nonprofit agency, institution, or organization, work which is in the public interest for such other agency, institution, or organization;

"(2) provide that any such work-study program shall be operated in such manner that its operation will not result in the displacement of employed workers or impair existing contracts for employment;

"(3) provide that any such work-study program will provide conditions of employment, for the students or trainees participating therein, which are appropriate and reasonable in light of such factors as type of work performed, prevailing wages in the area for similar work, and proficiency of the individual in the performance of the work involved;

"(4) provide that no Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used for the construction, operation, or maintenance of any facility or part thereof which is used or is to be used for sectarian instruction or as a place for religious worship;

"(5) provide that Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used only to make payments to its students or trainees performing work in the work-study program operated by such agency, institution, or organization; except that such agency, institution, or organization may use a portion of such funds to meet administrative expenses connected with the operation of such program, but the portion which may be so used shall not exceed 5 per centum of that part of such funds which is used for the purpose of making payments, to such students or trainees, for work performed for a public or private nonprofit agency, institution, or organization other than the agency, institution, or organization receiving such Federal funds pursuant to such agreement;

"(6) provide that such agency, institution, or organization, in selecting students or trainees for employment in such work-study program, will give preference to individuals from low-income families, and that no individual will be selected for employment in such program unless he (A) is in need of the earnings from such employment in order to pursue a course of study (whether on a full-time or part-time basis) for training or retraining of personnel in the allied health professions provided by such agency, institution, or organization, (B) is capable, in the opinion of such agency, institution, or organization, of maintaining good standing in such course of study while employed under such work-study program, and (C) in the case of any individual who at the time he applies for such employment is a new student or trainee, has been accepted for enrollment in such course of study on a full-time basis or part-time and, in the case of any other individual, is enrolled in such course of study on such

a basis and is maintaining good standing in such course of study;

"(7) provide that such agency, institution, or organization shall, in the operation of such work-study program, provide all individuals desiring employment therein to make application for such employment and that, to the extent that necessary funds are available, all eligible applicants will be employed in such program; and

"(8) include such other provisions as the Secretary may deem necessary or appropriate to carry out the purposes of this section.

"(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"(d)(1) Funds provided through any grant made under this section shall not be used to pay more than—

"(A) 90 per centum, in the case of the three-year period commencing on the date of the enactment of this section,

"(B) 85 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (A),

"(C) 80 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (B), nor

"(D) 75 per centum, in the case of any period after the period referred to in clause (C),

of the costs attributable to the payment of compensation to students or trainees for employment in the work-study program with respect to which such grant is made.

"(2)(A) In determining (for purposes of paragraph (1)) the amounts attributable to the payment of compensation to students or trainees for employment in any work-study program, there shall be disregarded any Federal funds (other than such funds derived from a grant under this section) used for the payment of such compensation.

"(B) In determining (for purposes of paragraph (1)) the total amounts expended for the payment of compensation to students or trainees for employment in any work-study program operated by any agency, institution, or organization receiving a grant under this section, there shall be included the reasonable value of compensation provided by such agency, institution, or organization to such students or trainees in the form of services and supplies (including tuition, board, and books).

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, $6,000,000 for the fiscal year ending June 30, 1973, $8,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"LOANS FOR STUDENTS OF THE ALLIED HEALTH PROFESSIONS

"SEC. 798. (a)(1) The Secretary is authorized to enter into an agreement for the establishment and operation of a student loan fund in accordance with this section with any public or private nonprofit agency institution, or organization which has an established program for the training or retraining of personnel in the allied health professions.

"(2) Each agreement entered into under this subsection shall—

"(A) provide for establishment of a student loan fund by such agency, institution, or organization for students or trainees enrolled in such program;

"(B) provide for deposit in the fund of (i) the Federal capital contributions paid under this section to the school by the Secretary, (ii) an additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (iii) collections of principal and interest on loans made from the fund, (iv) collections pursuant to section (b)(6), and (v) any other earnings of the fund;

"(C) provide that the fund shall be used only for loans to students or trainees enrolled in such program of the agency, institution, or organization in accordance with the agreement and for costs of collection of such loans and interest thereon;

"(D) provide that loans may be made from such fund to students pursuing a course of study (whether full time or part time) in such program of such agency, institution, or organization and that while the agreement remains in effect no such student who has attended such agency, institution, or organization before July 1, 1971, shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958; and

"(E) contain such other provisions as are necessary to protect the financial interests of the United States.

"(b)(1) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by agencies, institutions or organizations from loan funds established pursuant to agreements under this section may not exceed $1,500 in the case of any student. The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.

"(2) Loans from any such student loan fund by any agency, institution or organization shall be made on such terms and conditions as it may determine; subject, however, to such conditions, limitations, and requirements as the Secretary may prescribe (by regulation or in the agreement with the school) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

"(A) such loan may be made only to a student who (i) is in need of the amount of the loan to pursue a part-time or full-time course of study at the agency, institution, or organization, and (ii) is capable, in the opinion of the agency, institution, or organization, of maintaining good standing in such course of study;

"(B) such loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins nine months after the student ceases to pursue a part-time or full-time course of study in a program for the training or retraining of personnel in the allied health professions at an agency, institution, or organization approved by the Secretary, excluding from such ten-year period all (i) periods (up to three years) of (I) active duty performed by the borrower as a member of a uniformed service, or (II) service as a volunteer under the Peace Corps Act, and (ii) periods (up to five years) during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate or associate degree or the equivalent of either or to a higher degree in one of the allied health professions;

"(C) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment in any of the allied health professions (including teaching any such profession or service as an administrator, supervisor, or specialist in any such profession) in any public or private nonprofit agency, institution, or organization, or in a rural area with an individual practitioner if such service is approved by a local county health department or its equivalent at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 15 per centum for each complete year of service in such a profession in a public or other nonprofit hospital or other health service facility or health agency in any area which is determined, in accordance with regulations of the Secretary, to be an area which has a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled;

"(D) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;

"(E) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum;

"(F) such a loan be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required; and

"(G) no note or other evidence of any such loan may be transferred or assigned by the agency, institution, or organization making the loan except that, if the borrower transfers to another agency, institution, or organization participating in the program under this section, such note or other evidence of a loan may be transferred to such other agency, institution, or organization.

"(3) When all or any part of a loan, or interest, is canceled under this subsection, the Secretary shall pay to the agency, institution, or organization an amount equal to its proportionate share of the canceled portion, as determined by the Secretary.

"(4) Any loan for any year by an agency, institution, or organization from a student loan fund established pursuant to an agreement under this section shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the agency, institution, or organization that any recipient of a loan is failing to maintain satisfactory standing, any of all further installments of his loan shall be withheld, as may be appropriate.

"(5) An agreement under this section with any agency, institution, or organization shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the agency, institution, or organization in need thereof.

"(6) Subject to regulations of the Secretary, an agency, institution, or organization may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under paragraph (2)(B) or cancellation of part or all of the loan under paragraph (2)(C), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The agency, institution, or organization may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the agency, institution,

or organization not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(7) An agency, institution, or organization may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this section payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a)(2)(B)(i) $1,500,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, and such sums as are necessary for the next three fiscal years, and there are also authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan from any academic year ending before July 1, 1975, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f)(4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a)(2)(B)(ii), for establishment and maintenance of student loan funds.

"(d)(1) From the sums appropriated pursuant to subsection (c) for any fiscal year, the Secretary shall allot to each agency, institution, or organization, which has an established program for the training or retraining of personnel in the allied health professions approved by the Secretary, an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such agencies, institutions, or organizations approved by the Secretary bears to the total number of persons enrolled on a full-time basis in all such agencies, institutions, or organizations in all the States. The number of persons enrolled, in such a program, on a full-time basis in such agencies, institutions, or organizations for purposes of the subsection shall be determined by the Secretary for the most recent year for which satisfactory data are available to him. Funds available in any fiscal year for payment to agencies, institutions, or organizations under this section (whether as Federal capital contributions or as loans under subsection (f)) which are in excess of the amount appropriated pursuant to subsection (c) for that year shall be alloted among agencies, institutions, or organizations approved by the Secretary in such manner as the Secretary determines will best carry out the purposes of this section.

"(2) The Secretary shall from time to time set dates by which agencies, institutions, or organizations must file applications for Federal capital contributions and for loans pursuant to subsection (f).

"(3) The Federal capital contributions to a loan fund of an agency, institution, or organization approved by the Secretary under this section shall be paid from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in its loan fund.

"(e)(1) After June 30, 1979, and not later than September 30, 1979, there shall be a capital distribution of the balance of the loan fund established under an agreement pursuant to subsection (a)(2) by each agency, institution or organization approved by the Secretary as follows:

"(A) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund at the close of June 30, 1979, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to subsection (a)(2)(B)(i) bears to the total amount in such fund derived from such Federal capital contributions from funds deposited therein pursuant to subsection (a)(2)(B)(ii).

"(B) The remainder of such balance shall be paid to the agency, institution, or organization approved by the Secretary.

"(2) After September 30, 1979, each agency, institution or organization approved by the Secretary with which the Secretary has made an agreement under this section shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by it after June 30, 1979, in payment of principal and interest on loans made from the loan fund established pursuant to such agreement (other than so much of such fund as relates to payments from the revolving fund established by subsection (f)(4)) as was determined for the Secretary under paragraph (1).

"(f)(1)(A) During the fiscal year ending June 30, 1971, and each of the next four fiscal years, the Secretary may make loans, from the revolving fund established by paragraph (4), to any public or private nonprofit agency, institution or organization approved by him, to provide all or part of the capital needed by any such agency, institution or organization for making loans to students under this subsection (other than capital needed to make the institutional contributions required of agencies, institutions or organizations by subsection (a)(2)(B)(ii)). Loans to students from such borrowed sums shall be subject to the terms, conditions, and limitations set forth in subsection (b). The requirement in subsection (a)(2)(B)(ii) with respect to institutional contributions by agencies, institutions, or organizations to student loan funds shall not apply to loans made to agencies, institutions, or organizations under this subsection.

"(B) A loan to an agency, institution, or organization approved by the Secretary under this subsection may be made upon such terms and conditions, consistent with applicable provisions of subsection (a), as the Secretary deems appropriate. If the Secretary deems it to be necessary to assure that the purposes of this subsection will be achieved, these terms and conditions may include provisions making the obligation of the agency, institution, or organization to the Secretary on such a loan payable solely from such revenues or other assets or security (including collections on loans to students) as the Secretary may approve. Such a loan shall bear interest at a rate which the Secretary determines to be adequate to cover (i) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this subsection, and (ii) probable losses.

"(2) If an agency, institution, or organization approved by the Secretary borrows any sums under this subsection, the Secretary shall agree to pay to it (A) an amount equal to 90 per centum of the loss to it from defaults on student loans made from such sums, (B) the amount by which the interest payable by it on such sums exceeds the interest received by it on student loans made from such sums, (C) an amount equal to the amount of collection expenses authorized by subsection (a)(2)(C) to be paid out of a student loan fund with respect to such sums, and (D) the amount of the principal which is canceled pursuant to subsection (b)(2)(C) or (D) with respect to student loans made from such sums. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the purposes of this paragraph.

"(3) The total of the loans made in any fiscal year under this subsection shall not exceed the lesser of (1) such limitations as may be specified in appropriation Acts, and the difference between $35,000,000 and the amount of Federal capital contributions paid under this section for that year.

"(4)(A) There is hereby created within the Treasury an allied professions training fund (hereinafter in this paragraph referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this subsection. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act, 31 U.S.C. 847–849) for wholly owned Government corporations.

"(B) The fund shall consist of appropriations paid into the fund pursuant to subsection (c), appropriations made pursuant to this paragraph, all amounts received by the Secretary as interest payments or repayments of principal on loans under this subsection, and any other moneys, property, or assets derived by him from his operations in connection with this subsection (other than paragraph (2)), including any moneys derived directly or indirectly from the sale of assets, or beneficial interest or participations in assets, of the fund.

"(C) All loans, expenses (other than normal administrative expenses), and payments pursuant to operations of the Secretary under this subsection (other than paragraph (s)) shall be paid from the fund, including (but not limited to) expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participation in obligations acquired under this subsection. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this subsection, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the funds exceed the present and any reasonable prospective future requirements of the funds, such excess may be transferred to the general fund of the Treasury.

"(g) The Secretary may agree to modifications of agreements or loans made under this section, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this section."

EVALUATION

SEC. 207. (a) That section of the Public Health Service redesignated as section 799b by section 205 of this Act is amended (1) by striking out "or 794," and inserting in lieu thereof "794, 795, 796, 797, or 798".

(b) The amendments made by this section shall be effective only with respect to fiscal years ending after June 30, 1970.

DEFINITION OF NONPROFIT AGENCY, INSTITUTION, OR ORGANIZATION

SEC. 208. That section of the Public Health Service Act which is redesignated as section

799 by section 205 of this Act is amended by inserting after "professions", in paragraph (3) thereof, the following: ", or any agency, institution, or organization,".

STUDY

SEC. 209. That section of the Public Health Service Act redesignated as section 799c by section 205 of this Act is amended by adding at the end thereof the following new sentence: "In addition to the report provided for by the preceding sentence, the Secretary shall prepare, and submit to the President and the Congress prior to January 1, 1972, a report on the administration of this part, an appraisal of the programs under this part in light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof."

ADVANCE FUNDING

SEC. 210. Part G of title VII of the Public Health Service Act is further amended by adding after the section redesignated as section 799c by section 205 of this Act the following new section:

"ADVANCE FUNDING

"SEC. 799d. Sums authorized to be appropriated for any fiscal year for grants, contracts, or other payments, under this part are hereby authorized to be included in the appropriation Act for the fiscal year preceding such fiscal year."

The section-by-section analysis, presented by Mr. YARBOROUGH, is as follows:

SUMMARY OF THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Section 101 of the bill amends section 771 of the Public Health Service Act which currently stipulates that each school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine and podiatry with an approved application shall receive $25,000 with the remainder of the appropriation divided among approved schools on the basis of relative enrollment for the year of the grant, the relative increase in enrollment of such students for such year over the average enrollment of such schools for the five years preceding the year for which the application is made, and the relative number of graduates for such year. Section 771 currently requires at least a 2½ per cent, or 5 students whichever is greater, increase in enrollment over the two school years having the highest enrollment during the five school years during the period July 1, 1963 through June 30, 1968. Section 101 of the bill would require the Secretary of Health, Education and Welfare to prescribe by regulations the criteria for enrollment increases to be met by new schools and for determining the amount of each grant to new schools in excess of $25,000.

Section 201 of the bill would extend section 791 of the Public Health Service Act for five years with increased authorizations.

Section 202 amends section 792 of the Public Health Service Act which limits grants to junior colleges, colleges, or universities. In addition, since special improvement grants may be made only to the extent that the appropriation for this section is greater than the sum of the approved applications for basic improvement grants, no special improvement grants have ever been made. Section 202 of the bill would provide for separate authorization for special project grants and would expand coverage to permit grants to nonprofit organizations including junior college, colleges, and universities but not limited to them which provide training in the allied health professions. This in fact subscribes to a fairly strong consensus that if we are to close the existing gap between the supply and demand of allied health professionals, we must use all available qualified training resources. If a vocational school, a nonprofit trade association or a nonprofit organization claims that it can provide sound training in a scarce specialty in the allied health fields and the Department of Health, Education and Welfare is satisfied that it can, such a training program would be eligible for Federal assistance.

Section 202 would make it clear that special project grants may be used to establish special programs to reach groups such as the economically and culturally deprived and returning veterans with training and experience in the health fields.

Section 203 of the bill would extend the authorization for section 793 of the Public Health Service Act for five years with increased authorizations and would expand eligibility to include public and nonprofit private agencies, institutions, and organizations.

Section 204 of the bill would extend the authorization for section 794 of the Public Health Service Act for five years with increased authorizations. It would also permit expansion of the field for which grants may be made. Among other things it would provide for grants to study and develop mechanisms for determining equivalency and proficiency acquired skills and to develop new means of recruitment, retraining, or retention of allied health personnel.

Section 205 would redesignate sections 795, 796, 797, and 798 of the Public Health Service Act as sections 799, 799a, 799b, and 799c. Only minor changes would be made in the wording of some of these sections. The one substantial change has to do with a requirement in section 209 of the bill which calls for a report from the Secretary of Health, Education, and Welfare to the President and to the Congress prior to January 1, 1972, on the administration of the programs including an appraisal in light of their adequacy to meet the needs for allied health professions personnel.

Section 206 of the bill would amend title VII of the Public Health Service Act by adding new sections after section 794 of the Public Health Service Act to be designated as sections 795, 796, 797, and 798. New section 795 would provide for grants and contracts to encourage full utilization of the educational talents of veterans of the Armed Forces with training and experience in the health fields. The opportunities available to such veterans are not always well known. Thus while there is a severe shortage of allied health manpower, veterans with experience and training in the health fields are going into other fields. The new authorities in section 206 coupled with the amendments provided by sections 202 and 204 should permit fuller utilization of veterans with training or experience in the health fields. It would also provide assistance in identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions.

New Section 796 would provide for scholarship grants to individuals of exceptional financial need who require such assistance to pursue a course of study in the allied health fields. Current legislation does not provide for such grants.

New Section 797 would provide for federal grants for a work-study program for those students who are not sufficiently poor to be eligible for a scholarship under new section 796 or who do not want to burden themselves financially for a long period of time with a loan under new section 798.

New Section 798 would provide federal assistance for a loan program for students who are not eligible for a scholarship and for any number of reasons cannot or will not undertake a work-study program but still need some form of assistance to undertake a program of study in the allied health fields. This section also provides a cancellation clause of up to 50 per cent of the loan for full-time employment in any of the allied health professions in any public or nonprofit private agency, institution or organization or in a rural area with an individual practitioner if such service is approved by a local county health department at the rate of 10 per cent per year with a faster and complete cancellation provision for such service in an area designated by the Secretary of Health, Education, and Welfare as having a substantial shortage of personnel in the allied health fields.

Section 207 of the bill provides for a technical amendment occasioned by the redesignations stipulated by section 205 and the new sections called for by section 206.

Section 208 would amend the redesignated section 799 of the Public Health Service Act to provide for a definition of "nonprofit agency, institution, or organization."

Section 209 would call for a report from the Secretary of the Department of Health, Education and Welfare to the President and the Congress prior to January 1, 1972, on the administration of the allied health professions personnel training programs, including an appraisal of the programs in light of their adequacy to meet the needs of allied health professions.

Section 210 would provide for a new section 799d which calls for advance appropriations to permit the Department of Health, Education and Welfare and recipient institutions to plan more effectively as a result of the greater lead time provided by this section.

VETERANS IN THE ALLIED HEALTH PROFESSIONS

Mr. CRANSTON. Mr. President, I wish to congratulate the Senator from Texas (Mr. YARBOROUGH) for the continuing excellent leadership he has provided in expanding and improving the Nation's health programs. S. 3586, the proposed Health Training Improvement Act of 1970, which he introduced today, and which I am privileged to cosponsor, meets one of the most critical needs in health today—the development of health manpower—and approaches it in the most realistic way through providing for the expansion of the allied health manpower pool.

In recent years, physicians and other health professionals have become more and more reliant on the assistance of individuals trained in allied health fields. The medical community has fully recognized the value of the allied health professional—both as a specialist in his own right and as an extension of the physician's and other health professional's ability to provide treatment for the patient. This pyramiding of personnel has dramatically increased the productivity of the individual physician.

In view of this, the demand for the services of the allied health professional has vastly increased, and there is now a critical need to develop additional and innovative training programs and to attract more individuals into these fields. I believe S. 3586 will accomplish this.

The Veterans' Administration, I believe, can play a substantial role in alleviating the current critical health manpower shortages. As chairman of the Subcommittee on Veterans' Affairs, I am devoting considerable study to methods of improving the ability of the Veterans' Administration to expand its capacity to train and employ additional professionals in the allied health fields. I plan shortly to introduce legislation to that effect. Special emphasis will be placed on Veterans' Administration training programs to develop innovative types of allied health professionals. One of the most

promising is the "physician's assistant," for which an educational program is now in the formative stages at many medical schools and institutions throughout the country. Those programs which have moved into an operational phase have relied heavily on recruiting returning medical corpsmen and developing curriculums to build upon their skills. Because of the Veterans' Administrations almost unique potential for training and utilizing these new types of professionals and its great needs for more skilled medical staff, the bill will include special provisions for the development of physician's assistant training programs.

Concurrently with this, I will seek substantial increases for funding the Veterans' Administration health personnel training and education program, and shall seek to make that program a separate item in the appropriation bill to permit an expanded, ongoing effort.

Several of the provisions of the proposed Health Training Improvement Act dovetail with the Veterans' Administration programs which I hope will be established by the legislation I am developing. S. 3586 includes provisions to facilitate the entry of returning veterans into health training programs; to develop mechanisms for determining the equivalency of nonacademic training in the health fields; to permit grants for outreach programs to identify individuals from among the culturally and economically deprived and from among returning veterans with training and experience in the health field and to encourage their pursuit of a health career; and to establish a work-study program for allied health professionals.

The first of these provisions would authorize project grants to establish special curriculums for the training or retraining of allied health personnel and specifically includes the returning veteran who has learned health skills while in the Armed Forces.

A second provision authorizes a program to make grants and contracts for the study and development of mechanisms for determining the equivalency and proficiency of an individual's previously acquired skills. This is very pertinent to the returning military corpsman who has received intensive training, has had very substantial responsibilities in emergency care of the wounded on the battlefield and in field hospitals, and is, in many cases, overqualified for regular health training programs. New approaches will be needed to build upon the corpsman's existing skills and to eliminate unnecessary years of study in fields he has already learned.

Many veterans leaving the service are unaware of the existence of training programs in the health field, and are equally unaware of the very substantial potential for career development in those fields. The outreach program provided for in this bill should have a considerable impact in channeling these well-trained, competent young specialists into the allied health professions. And, through the bill I am developing, I hope that many of them will be able to receive further training and be employed as physicians' assistants in the Veterans' Administration.

An additional provision in Senator YARBOROUGH's bill which dovetails with programs I am developing would provide for grants for work-study programs. Although, as presently drafted and under present HEW interpretations, S. 3586 seems to preclude a VA hospital from receiving grants or subgrants under this work-study provision, the legislation I am planning to introduce providing for the expansion of Veterans' Administration education and training programs will include on-the-job training, continuing education, and career mobility as an integral part of the VA health manpower education and training programs. I plan to cooperate closely with Senator YARBOROUGH and officials of the Veterans' Administration in exploring methods to encourage the greatest coordination between such VA training programs and the work-study provisions of the proposed Health Training Improvement Act.

S. 3588—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, for appropriate reference, a bill to authorize certain construction at military installations and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

The bill (S. 3588) to authorize certain construction at military installations, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH of Maine), was received, read twice by its title, and referred to the Committee on Armed Services.

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

THE SECRETARY OF DEFENSE,
Washington, March 11, 1970.

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

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1971. The Bureau of the Budget on March 2, 1970, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1971.

Titles I, II, III, and IV of this proposal would authorize $1,222,556,000 in new construction for requirements of the Active Forces, of which $627,455,000 are for the Department of the Army; $284,221,000 for the Department of the Navy; $267,280,000 for the Department of the Air Force; and $43,600,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $809,038,000 for all costs of that program for FY 1971.

Title VI contains General Provisions generally applicable to the Military Construction Program.

Title VII totaling $37,500,000 would authorize construction for the Reserve Components, of which $13,700,000 is for the Army National Guard; $9,300,000 for the Army Reserve; $4,500,000 for the Naval and Marine Corps Reserves; $6,500,000 for the Air National Guard; and $3,500,000 for the Air Force Reserve. These authorizations are in lump sum amounts in accordance with the amendments to chapter 133, title 10, United States Code, which were enacted in Public Law 87-554.

Sincerely,

MELVIN R. LAIRD.

ADDITIONAL COSPONSORS OF A BILL

S. 3566

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Oklahoma (Mr. HARRIS), be added as cosponsors of S. 3566, to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture.

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

SENATE CONCURRENT RESOLUTION 58—CONCURRENT RESOLUTION SUBMITTED EXPRESSING THE SENSE OF CONGRESS ON LOWERING INTEREST RATES

Mr. EAGLETON. Mr. President, the American people have now had 14 months of high interest and tight money because the administration says it is the bitter but unecessary medicine for inflation.

Today the inflation is still with us, the economy is clearly in a slump or possibly the beginning of a recession, more and more people are out of work, and the medicine is feeding the disease. High interest—the highest we have ever paid in our Nation's history—has become an integral part of the high cost of living—part of the inflated price of the goods we purchase.

And who is taking the medicine? Who is paying the interest? The people least able to pay—the consumers, the small businessmen, the farmers, the home buyers—people to whom credit is essential but who are unable to pass along 10, 12, or 18 percent financing charges to someone else.

Tight money and high interest do not seem to be hurting the bankers. It is not hurting the well-financed corporations who are lenders themselves.

The people who are being hurt are the ones for whom a single house or a single college education is the most important investment of their lifetimes. In all of 1969, permits for fewer than 600 family housing units were issued in St. Louis,

and only 14 of these were for single family homes.

Mr. President, tight money has done its work, for good or ill, and it is time to end the indecent and unfair burden it is imposing on so many millions of people. There are other, more effective instruments available for dealing with inflation, and our distinguished colleague, Senator MONDALE, is now taking testimony on them before the Senate Subcommittee on Production and Stabilization. I trust the administration will give close attention to recommendations which emerge from those hearings.

Meanwhile, however, I believe it is time for Congress to go on record for lower interest rates, and to demand that the administration move promptly to ease money.

Coy hints of easier money just around the corner may titillate Wall Street, but are not doing a thing for the average citizen except perhaps to feed his bitterness.

I therefore submit, on behalf of myself, and Senators CANNON, GRAVEL, HART, INOUYE, MONDALE, RANDOLPH, SPONG, and YOUNG of Ohio, a concurrent resolution expressing the sense of the Senate that the administration should reverse its high interest rate policy, and that the Federal Reserve Board should take steps to gradually roll back the prime interest rate to 6 percent.

An identical resolution was introduced in the House with the cosponsorship of 82 Members from 28 States.

I request unanimous consent that the text of the resolution be printed in the RECORD at this point.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 58), which reads as follows, was referred to the Committee on Banking and Currency:

S. CON. RES. 58

Whereas a high interest rate policy has been followed for the past fourteen months as a part of the administration's fight against inflation; and

Whereas the higher interest rates paid by manufacturers, distributors, transporters, retailers, and all others involved in the production and marketing processes tend to become part of the end cost of the product, thereby adding to the growth of inflation; and

Whereas consumers and small businessmen, to whom credit is vital and who operate on smaller margins, ultimately pay the cost of interest rate increases; and

Whereas the high interest rate policy, continued over an extended period, has served to blunt the Federal goal of attacking the problem of inadequate and substandard housing on a massive scale by systematically reducing the availability of low-cost financing; and

Whereas extended periods of high interest rates have traditionally and historically been followed by recessions: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that the administration should make every effort to reverse its policy of high interest rates in all programs and at all levels, and that the Federal Reserve Board should take steps to gradually roll the prime interest rate back to 6 per centum.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 553

Mr. ALLEN proposed an amendment to the Scott-Hart amendment (No. 544) 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 be printed.

(The remarks of Mr. ALLEN when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for a term of 4 years, vice Richard B. Hardee.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, March 18, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 18, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Howard B. Turrentine, of California, to be U.S. district judge for the southern district of California, vice Fred Kunzel, deceased.

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

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON SECURITIES ON BILLS RELATING TO PROTECTION FOR INVESTORS

Mr. WILLIAMS of New Jersey. Mr. President, I wish to announce that the Subcommittee on Securities of the Committee on Banking and Currency will hold hearings on S. 3431, a bill to provide additional protection for investors in corporate takeover bids; and S. 336, a bill to increase the exemption under regulation A of the Securities Act of 1933 from $300,000 to $500,000.

The hearings will be held on Tuesday and Wednesday, March 24 and 25, 1970, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Stephen J. Paradise, assistant counsel, Senate Banking and Currency Committee, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225–7391.

ANNOUNCEMENT OF HEARINGS BY THE COMMITTEE ON ARMED SERVICES ON THE SELECTIVE SERVICE SYSTEM

Mr. STENNIS. Mr. President, I should like to announce that the Senate Committee on Armed Services will begin hearings very soon after we reconvene following the Easter recess on the Selective Service System.

The committee will begin consideration of two aspects of the system: First, the question of how the Selective Service System is operating under its present rules and regulations, and second, the general matter of possible changes in existing law as they pertain to the many aspects of the Selective Service System and as proposed in the numerous bills now pending before the committee.

The witnesses at this initial hearing will be those from the executive branch who will testify both on the operation of the System and the executive branch position on the several pending bills on the subject.

I would like to note that the hearings will be only the beginning of the committee consideration of this entire matter. Following the executive branch testimony, hearings with other witnesses will be scheduled as quickly as the committee work permits.

The committee did not begin Selective Service hearings on February 15, the date previously contemplated and announced, because of the delay in nominating a new director of the Selective Service System and for the reason that reports have not been received from the executive branch on its position on the pending bills on Selective Service.

I would emphasize, Mr. President, that the committee will not complete action on the procurement authorization legislation prior to the Selective Service hearings.

I would note that it would be necessary to resume committee action on the procurement authorization legislation following the Selective Service hearings and, to some extent, hearings on each will continue for a time.

ADDITIONAL STATEMENTS OF SENATORS

SOVIET MISSILE THREAT

Mr. TOWER. Mr. President, development and deployment of Soviet offensive missiles has proceeded at such a rapid rate in the last few years that we must realistically conclude that the United States is in danger of becoming inferior to the Soviets in strategic nuclear power.

Recent history of Soviet missile development clearly demonstrates a concerted effort to match and surpass the United States. In 1966, the Soviet Union had 250 ICBM's on launchers. By 1967, this number had increased to 570 and by

September 1, 1968, 900. This was the best intelligence we had when phase I of safeguard was debated. At that time, Secretary Laird was criticized by Safeguard opponents for recognizing the fact that continued Soviet deployment of the giant SS–9 missiles was indicative of a desire on their part to develop a first-strike capability.

As of September 1, 1969, the Soviets had 1,060 ICBM's on launchers. It is interesting to note that many of the 160 missiles placed on launching pads were the awesome SS–9's.

The SS–9 missile is the largest ballistic missile in existence in the world. It is capable of carrying warheads as large as 25 megatons. When one considers that a much smaller warhead is sufficient to serve as an effective retaliatory weapon for attacking soft targets, the intended use of these giant missiles must be questioned carefully. A 25-megaton weapon is only useful as a "terror" weapon or against hardened missile sites. Hardened missile sites would, of course, only be attacked in a first strike attempt to destroy the defenders' ability to retaliate.

All of these figures illustrate one simple point. There is ample evidence to believe that the Soviet Union is proceeding to develop a first strike capability.

None of us can be sure of what the Soviet intent in this regard is. What is clear, however, is the absurdity of risking the continued existence of the United States on the unsupported assumption that the leaders of the Soviet Union no longer harbor aggressive designs on the Free World.

Instead, we should seek to develop the weapons systems necessary to preserve the credibility of our deterrent and to provide effective protection for ourselves.

The Safeguard ABM system, by insuring that no first strike can neutralize our Minuteman ICBM force, greatly lessens the likelihood that the Soviet Union or any other future nuclear force would make the tragic mistake of initiating a nuclear holocaust. So long as the leaders of the Soviet Union remain convinced that they will be utterly destroyed by a nuclear exchange, we can be sure that they will not make that mistake. We can be sure because it will be in their best interest to avoid a nuclear war. This, I suggest, makes far more sense than to base our security strictly on the good will of the Soviets.

In addition to providing us with the necessary weapons system to prevent a first strike from becoming attractive to the Soviets, the Safeguard ABM system lessens the likelihood of nuclear war in yet another way. The initial round of the SALT talks was considered by all to have been highly encouraging. There is good reason to believe that the decision we made last year to proceed with phase I of the Safeguard system was instrumental in bringing about meaningful talks. It would be counter-productive to turn around now and reject phase II of Safeguard before the SALT talks reconvene. If we sincerely desire that our President proceed with all deliberate speed to reach arms limitations agreements, we must give him the tools he needs to negotiate such an agreement. In my view, the experience of the first round of the SALT talks has taught us that Safeguard may well be the single most valuable aid our negotiators have.

We must proceed with phase II of Safeguard. The taking of any other course of action would ignore the mounting Soviet missile threat and undercut the President's ability to negotiate an arms limitation.

In conclusion, I must stress that it is a naive, dangerous, and unsupportable assumption that the Soviets have some genuine fear of potential U.S. aggression and, therefore, if the United States will simply unilaterally arrest its arms development to prove its good intentions, the Soviets will follow suit or be more amenable to arms limitations. Experience proves the contrary. Those who would thwart technological advance in strategic weaponry must answer the question: Are you prepared to see the United States slide into such a position of strategic inferiority as to make the free world vulnerable to nuclear blackmail in the mid-1970's?

THE INEQUITY OF THE DRAFT

Mr. KENNEDY. Mr. President, last Sunday's Washington Post contained an article, written by Richard Harwood, which documents once again the way in which the draft favors wealthier and better educated registrants.

For many years the draft has been criticized for discriminating against less fortunate young men. Mr. Harwood states:

> At the heart of this discrimination are the exemptions and deferments that have been grafted onto the Selective Service System.

He goes on to show that exemptions and deferments—even for extreme hardship—are far more numerous in the white, middle-class boards of Georgetown and the upper Northwest than in the central-city ghetto boards.

> Although Georgetown and the upper Northwest have less than 15 per cent of the D.C. registrants, they have obtained for their sons 35 per cent of the military reserve and National Guard assignments that insulate men from active duty in Vietnam; 33.5 per cent of the college student deferments; 100 per cent of the conscientious objection deferments that permit young men to do civilian work in lieu of military service; 22 per cent of the occupational deferments; and more "extreme hardship" deferments than Boards 7 and 8 in the central city ghettos.

Mr. Harwood shows clearly why there is currently so much dissatisfaction and disillusionment with the present draft. 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:

[From the Washington Post, March 8, 1970]

"HARDSHIP" AMONG THE RICH: THE DRAFT'S INEQUITY

(By Richard Harwood)

Since John F. Kennedy's time, Georgetown has symbolized for the tourists in Washington the elegant life standards of the American Federal Establishment.

Today it is also a convenient symbol of the grotesqueries of the draft.

It is an area of considerable wealth and learning that has obtained for its sons more "extreme hardship" deferments from military service than a comparable area in the black ghetto of central Washington.

Georgetown (Board 1) and its affluent neighbors in the city's upper Northwest (Board 2), contain 13 percent of the Selective Service registrants in the District of Columbia. But last year they supplied only 6 percent of the District's draftees—47 men. Anacostia, with its grim rows of public housing, supplied 107 men. The black middle class in the far Northeast supplied 129.

That is nothing peculiar to Washington, of course. Alabama, with a little more than 3.5 million people, supplied only 20 percent fewer men to the draft last year (6,020) than New York City, which has a population of nearly 8 million and supplied 7,214 men.

Incongruities and disparities of that kind were remarked a few months ago by Charles Palmer, the president of the National Student Association.

"This war," he told a Senate subcommittee, "is paid for by the poor."

Young people, unable to attend college, unwilling to seek defense-related occupations, young people without the money for adequate medical or legal advice, make up the bulk of the forces now in Vietnam . . . We raise our cannon fodder on small farms, on reservations, in the hollows of Appalachia, in ghettos and barrios, and our ancient friends at the local (draft) boards sift the chaff."

The statement was somewhat overdrawn. The heaviest burden of the Vietnam war falls on the high school graduates and college dropouts. Roughly 60 percent of them go into the military services, compared with only 50 percent of the poorest and least educated young men in American society.

There is no doubt, however, that the lightest burden is borne by the most affluent and most educated classes. Only 40 percent of the college graduates in this country perform military service.

Moreover, the kind of service they perform—officers excepted—tends to be the least hazardous. Of the approximately 100,000 light infantry replacements required by the Army this year—the "grunts" of the rifle companies—only about 2,000 will come out of college graduating classes, according to Defense Department estimates. The rest will be less educated men.

"The exposure (to death) of the college graduate," a Pentagon official observes, "is going to be less than the exposure of other groups."

Or, as former Attorney General Ramsey Clark has put it, "If I went to Vietnam last year and all my buddies haven't gone yet, there is a difference. The difference may be that I am dead and they are still in school."

At the heart of this discrimination are the exemptions and deferments that have been grafted onto the Selective Service System. The reasoning has been that since the manpower supply in the United States far exceeds the demands of the military services, exemptions and deferments are a justifiable luxury. As a result, only about 7 million of the roughly 22 million men between the ages of 18½ and 26 have performed military service.

The theory is that the exemptions and deferments are equally available to all men. In practice it has not worked that way, as the case of the District of Columbia illustrates.

The District has 15 local draft boards of varying sizes. Board 15, covering the far Northeast, has more than 17,000 registrants. Board 8 in the central city has fewer than 6,000 registrants.

If the system worked equitably, each board would provide the Pentagon with men pro-

portionate to its number of registrants and would claim proportionate shares of the deferments and exemptions.

The reality bears no resemblance to that ideal. The far Northeast and its black middle class (Board 15) supplies nearly three times as many draftees to the system as the white middle class of Georgetown and the upper Northwest (Boards 1 and 2), even though Board 15 has fewer registrants.

The allocation of deferments and exemptions is distorted in the same way. Although Georgetown and the upper Northwest have less than 15 per cent of the D.C. registrants, they have obtained for their sons 35 per cent of the military reserve and National Guard assignments that insulate men from active duty in Vietnam; 33.5 per cent of the college student deferments; 100 per cent of the conscientious objection deferments that permit young men to do civilian work in lieu of military service; 22 per cent of the occupational deferments, and more "extreme hardship" deferments than Boards 7 and 8 in the central city ghettos.

The fact that 76 per cent of the college students in this country come out of the most affluent families is a major element in this pattern. They are exempted from military service for four years. Theoretically, they go into the military service when their college days are done; in practice, it works otherwise.

Of the 400,000 male college graduates this year, no more than 100,000 are likely to be called for military service of any kind. About 40,000, the Defense Department estimates, will be drafted—10 per cent of the total. Another 30,000 will enter the officer corps. About 20,000 will enlist in the Navy, Air Force and Marine Corps. About 10,000 will go into reserve and National Guard units.

Thus, the colleges this year are expected to provide only about 12 per cent of the 850,000 new men the services will require.

"If some men with the education and money are avoiding the draft while others cannot," Sen. Edward M. Kennedy (D-Mass.) has said, "then it can fairly be said that they are buying their way out of the war."

People with money and brains do manage, in a remarkable number of cases, to beat the system. Lawyers for the American Civil Liberties Union in New York City claimed in testimony before Sen. Kennedy's subcommittee that of 500 men they have counseled on ways to avoid the draft, only seven have been inducted. A law firm in Santa Monica, Calif., reports that it has "never lost a man" out of 700 anti-draft clients.

The largest private draft counseling service in the Washington area is the Washington Peace Center, located in the Friends Meeting House at Florida ave. and Decatur pl. NW. In an average week, it advises about 30 young men—nearly all white, nearly all upper middle class, nearly all from Georgetown, the upper Northwest or suburbia—on ways to avoid military service. Dozens of similar organizations are functioning in other cities in the United States, and according to those involved in the movement they have approximately the same clientele.

The Peace Center here is somewhat unusual, however, in that it has been certified by Selective Service authorities as an agency eligible to provide employment for young men who have been classified as I–W conscientious objectors.

The class of COs, unlike the ordinary CO, is not required to perform noncombatant service in the military such as medics and chaplain's assistants.

The I–W is allowed to discharge his "military obligation" by working for two years in some socially useful civilian job—in a mental hospital or a social work agency, for example.

At the Peace Center, however, the "alternative service" performed by the two I–Ws on its staff—Bill Brubaker and Mike O'Hare—is advice on how to beat the draft.

The irony of this alternative service is obvious to the people involved in it but not to Selective Service authorities, who may not be aware of what is going on.

Ira Hamburg, the center's board chairman, says that the organization got its alternative service certification from Selective Service without specifying that draft counseling was one of its principal activities.

In any case, Brubaker and O'Hare are satisfying their "military obligation" as COs by serving as draft counselors, rather than as uniformed noncombatants in Vietnam.

They are not unique, according to Alan Dranitzke, editor of the Selective Service Law Reporter, a 2,200-subscription publication serving the large draft-counseling industry that has grown up in the United States in the last few years. Dranitzke says that a number of I–W COs are serving out their time as advisers on ways to avoid the draft.

David Otto, a young anti-war, antidraft worker in the D.C. Moratoruim Committee, is exempt from the draft because the Selective Service System has ruled that he is in an essential civilian occupation. He teaches children in Georgetown who are enrolled in a private school. In his spare time, he is organizing antidraft demonstrations that are to be held here during the week of March 16–22.

He thinks his occupational deferment is slightly absurd and plans to seek, instead, a CO classification.

There is no doubt in Otto's mind that the deferment-exemption system favors the white middle class. And he offers many examples:

"It is a known fact that in New York there are psychiatrists who—for a fee—will certify that you are under his care and are unfit for military service.

"One of my friends got out of the draft in another way. He bribed a technician at the medical examination to say that he was only 5 feet 4 inches tall and was overweight. The technician measured him from his feet to his shoulder, not to the top of his head."

The ruses used, says Otto, are almost endless. College students, for example, can switch their major courses of study so often that they extend their undergraduate deferments. College freshmen build up four-year histories of "back trouble" with frequent visits to the infirmary; ultimately they are rejected on physical grounds by military medical examiners.

Robert Leisinger, a counselor with IV–F status at the Washington Peace Center, tells of an acquaintance rejected for showing up at an examining station wearing diapers. Another was rejected, he said, because of an obscene tattoo. Yet another beat the draft, said Leisinger, by claiming he was homosexual.

There is no end to stories of this kind, and in almost every case they involve college students who have had the wit to seek counseling or the money to hire a lawyer.

The makeup and location of local draft boards affect the outcome, too. A student of these affairs, Dr. Gary L. Wamsley of Vanderbilt University, has told of a Pennsylvania board that classified a man as 1A "because they thought the Army would be good for him and would get him away from a bad home environment . . . I saw (another) board grant an occupational deferment to a young man organizing YMCA teen clubs in middle-class suburban high schools."

There are more striking examples of double standards. In Puerto Rico, men are drafted if they can pass the Army's written tests in Spanish. In the United States, the Selective Service Law Reporter notes, Spanish-speaking men are rejected for service if they are unable to pass the Army tests in English.

Many men have confronted the system more directly—by fleeing the country or by refusing induction. The number of Justice Department prosecutions of Selective Service violators doubled in a single year—from 1,698 in fiscal 1968 to 3,455 in 1969. Forty per cent of those charged are Jehovah's Witnesses. Draft law violations now rank fourth among all Federal crimes, exceeded only by narcotics violations, interstate car thefts and immigration cases.

The number of these violators is still less than one-half of 1 per cent of the draftees called. They have not filled the federal prisons (only 521 were in jail at the beginning of this year) and they have had no meaningful effect on the manpower supply available to the Pentagon.

They have, however, contributed to the growing public belief that there is a massive anti-draft movement in the United States threatening the stability of the military establishment. They have stimulated the growth of the draft-counseling industry, which now includes law firms, legal volunteers, church organizations, high school and college advisers, and a nationwide network of institutions such as the Washington Peace Center.

The effectiveness of this movement in terms of draft avoidance has not been assessed. The Peace Center, for example, has no follow-up data on the people it counsels.

Unquestionably, the movement has made the Selective Service System more responsive to challenges and appeals and has opened up the opportunities for deferment or exemption, as recent court rulings have shown. It probably contributed, too, to the firing of draft director Lewis B. Hershey.

But as Otto and Hamburg and Dranitzke concede, the beneficiaries of the movement have been, for the most part, the same people who are already the main beneficiaries of the deferment and exemption provisions of the draft law.

Senator Kennedy and members of his subcommittee on the draft are convinced that only when all deferments (except hardship and conscientious objection) are abolished will there be any semblance of equity in the Selective Service System.

There are credible reports that the Nixon administration has come around to the same view and will propose an end to deferments in the next few months as a prelude to an end to the draft in the mid-1970s and a changeover to an all-volunteer army.

If proposed, these reforms will come rather late in the Vietnam era. For more than a year, the Pentagon has been quietly winding down demands for manpower. From a Vietnam peak of 3.5 million men in mid-1968, the strength of the armed forces has been declining to an expected level of 3.1 million in June and 2.9 million a year later.

LOAN SHARKING

Mr. SCOTT. Mr. President, the lead article in the March 5, 1970, edition of the Machinist, published by the International Association of Machinists and Aerospace Workers, concerns one of the most vicious rackets in America today, the crime of loan sharking, and the new law which makes loan sharking a Federal crime.

The author of this significant law is our own Representative JOSEPH M. MCDADE of the 10th Congressional District of Pennsylvania, and he is so featured in the story.

I wish to commend Representative MCDADE for the work he did in authoring this important attack on organized crime. As is noted in the article, the

vicious men who run this racket often get between 300 percent to 1,000 percent annual interest on the money they loan, and too often the victims of this racket are the urban poor in America. It has been a multibillion-dollar source of revenue for organized crime; that take may now be cut sharply.

I wish also to commend the Machinist for publishing this story. This paper will go into the homes of every member of the Machinists Union in America, and will not only alert them to the dangers of this vicious racket, but will also inform them of the new law which is now on the books, and which has already been tested in the Court of Appeals, to fight this crime.

I ask unanimous consent that this article be printed at the conclusion of my remarks. I certainly commend its reading to all Senators.

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

[From the Machinist, Mar. 5, 1970]

FEDS MOUNT DRIVE: TWO CONVICTED, 36 AWAIT TRIALS IN DRIVE ON LOAN SHARKING

A Federal campaign to stamp out loan sharking is picking up steam all over the country.

Loaning money at exorbitant interest rates collected by beatings or threats of physical harm has been a Federal offense since 1968. Congress added it, as an afterthought, to the Truth-in-Lending Act.

So far, the Feds have indicted at least 41 persons in nine states on loan-sharking charges. Two have been convicted under the new law; one was acquitted and two indictments have been dismissed. The other 36 cases are awaiting trial.

The constitutionality of the anti-loan-sharking law was upheld last month by the Seventh Circuit Court of Appeals in Illinois. The law had been challenged by Michael Biancofiori of Chicago, the first loan shark convicted under Federal law.

According to Rep. Joseph McDade of Pennsylvania, whose bill was the basis for the legislation, the new law was directed against organized crime that preys on the poor who cannot find credit thorugh normal channels.

THE 1,000-PERCENT INTEREST

Under the law, it is illegal for anyone to use or threaten violence in making, financing or collecting a loan. The Congressman explained that when direct evidence of violence is available, nothing else is required to prove the crime.

Congressional hearings revealed that a loan shark may charge up to 1,000 per cent interest a year and that loan-sharking is a multi-billion dollar source of income annually for the underworld.

Biancofiori, whose conviction was affirmed in Chicago, had been found guilty of making threats to collect a debt from George Wright and sentenced to seven years in prison. Testimony in that case showed how loan sharks operate.

According to the testimony, Biancofiori loaned Wright, a snack shop employee, $200 in November, 1967, telling him, "You know this is a juice (high-interest) loan." Wright was required to pay $14 interest a week, payable every Tuesday.

This amounted to 364 per cent a year!

Biancofiori also warned Wright:

"Don't try to leave town on me, or the boys will find you and you'll be sorry."

In December, 1967, Wright was again in financial trouble and borrowed an additional $200 from Biancofiori.

Two months later, Wright and Biancofiori formed a partnership in a painting and decorating business, M&G Home Improvement. Biancofiori supplied $1,000 cash needed to start the enterprise and controlled the books. He deducted Wrights's payments from his wages. Wright got two more loans shortly after the partnership was formed, borrowing a total of $75 from Biancofiori. His weekly interest payments amounted to $53.

In August 1968, Wright stopped working for M&G. When Wright was unable to make interest payments, he and his family were harassed by Biancofiori.

Wright complained to the Federal Bureau of Investigation that Biancofiori repeatedly made threats of violence, in person and over the telephone. On a day a collection was scheduled, agents hid in Wright's apartment, overheard the threatening remarks and made the arrest.

Investigation of the Biancofiori case led Federal agents to smash what was described as "the largest blue-collar loan-shark ring in the country." Eleven men were indicted on charges of using or threatening violence in extending credit.

THE 500-PERCENT INTEREST

The ring, which was based in Cicero, Ill., a Chicago suburb, netted an estimated $50,000 a week, loaning money to persons who lost heavily gambling. The victims, including some factory workers, were directed to loan sharks by bookies, agents said.

The loan sharks extended credit at interest rates of five to ten per cent a week. This would be an annual rate of about 250 to 500 per cent.

The victims were told they would be harmed if they did not meet payments, according to the indictments. Biancofiori operated as a collection agent for the lenders.

The second loan shark to be convicted under the new law is Alcides Perez. He was sentenced to 18 months in prison on Mar. 19, 1969, for threatening violence to collect a debt. Here are the facts in his case:

The victim opened a butcher shop in New York State. He borrowed money from Perez after he was unable to obtain credit from a supplier. Within four months the victim paid Perez three times the amount of the original loan and was still in debt. His business failed.

As a result of Perez's threats, the victim and his wife were forced to move out of their neighborhood. Eventually they reported the threats to authorities and testified at Perez's trial.

In another case, not yet come to trial, Eugene C. Dawson of Jersey City, N.J., charged that he was obliged to pay a loan shark 260 per cent interest on a debt. He had borrowed $400 to pay outstanding bills. A month later, he borrowed an additional $300. He was then required to pay $35 a week interest until he could repay the $700 lump sum.

When Dawson began to fall behind in his payments, he was driven to a store to "straighten out his loan." When Dawson explained that he had no money, he was beaten on the arms and hip with a heavy piece of wood.

Next day, Dawson entered a hospital with a broken elbow. He was hospitalized for 11 days.

Another victim of the loan sharks, Frank Gscheidle of New York City, told authorities he borrowed $1,000. Six months later he had repaid the loan plus $400 interest. Yet, the lenders told Gscheidle he still owed them $1,350. When he refused to pay up he was threatened with pistols and beaten with fists. Three men have been indicted for using violence to collect that loan.

The Justice Department has launched an investigation of underworld figures who are financing loan-sharking operations. According to officials, the new law has "provided a real deterrent to this type of activity."

FBI AIDS LOAN SHARK VICTIMS

Under Federal law, a loan shark is any money lender who threatens you or your family with beatings or other physical harm if you fail to make the payments. The penalty can run to $10,000 and 20 years in jail.

If you are victimized by a loan shark who threatens bodily harm, call the nearest office of the Federal Bureau of Investigation. The nearest office should be listed in the front pages of your telephone directory.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. CRANSTON. Mr. President, between Wednesday, February 18, 1970, and Friday, March 6, 1970, the Pentagon has notified 26 more California families of the death of a loved one in Vietnam.

Those killed:

S. Sgt. Daniel A. Alegre, son of Mrs. Edith H. Hussy, of San Francisco.

Sgt. Jeffrey T. Beardsley, husband of Mrs. Patricia J. Beardsley, of San Jose.

Sp4c. Chad A. Charlesworth, son of Mr. and Mrs. Bill B. Charlesworth, of Ojai.

WO Richard J. Connelly, son of Mr. and Mrs. John P. Connelly, of Long Beach.

GMG2 Thomas E. Copp, son of Mrs. Ellen Copp, of Chatsworth.

Cpl. Thomas G. Dickson, son of Mr. William R. Dickson, of Norwalk.

Sp4c. Mark S. Diorio, son of Mrs. Lois A. Prouty, of Santa Cruz.

HM3 Charles P. Duessent, son of Mr. and Mrs. Harry A. Duessent, of South El Monte.

L. Cpl. Warren J. Ferguson, Jr., son of Mr. and Mrs. Warren J. Ferguson, Sr., of Fullerton.

Rdm. Chief Norman G. Gage, husband of Mrs. Rosemary Gage, of Imperial Beach.

Sp4c. Frank N. Figueroa, husband of Mrs. Carol Figueroa, of Santa Ana.

Seaman Gary L. Giovanneli, son of Mrs. Beulah M. Esposito, of San Leandro.

L. Cpl. Barry C. Hiatt, husband of Mrs. Dawn C. Hiatt, of Fremont.

Sgt. Phillip F. Hults, father of Miss Elizabeth A. Hults, of Anaheim.

Sp4c. Mark A. Jenewein, son of Mrs. Virginia M. Jenewein, of Garden Grove.

Pfc. Dennis E. Joy, son of Mr. and Mrs. Earl R. Joy, of Imperial.

Lt. Bernard L. Lefevre, son of Mr. and Mrs. Robert A. Lefevre, of South Laguna.

Pfc. Robert L. Pearson, son of Mr. and Mrs. Jerry B. Pearson, of Porterville.

Sp4c. Trinidad G. Prieto, son of Mr. and Mrs. Trinidad Prieto-Perez, of Chihuahua, Mexico.

Sp4c. David S. Reid, son of Mr. and Mrs. George S. Reid, of San Pedro.

Capt. Patrick L. Smith, husband of Mrs. Theresa Smith, of Madera.

Cpl. Donald J. Wade, son of Mr. and Mrs. Frank Wade, of Santa Cruz.

Pfc. Richard A. Whitmore, son of Mr. and Mrs. Odell C. Whitmore, of Hawthorne.

Pfc. Richard W. Williams, son of Mr. Hobart Williams, of Yreka.

Sp4c. Lawrence W. Yochum, son of Mr. and Mrs. John R. Yochum, of Burney.

Sgt. Victor F. Zaragoza, son of Mr. and Mrs. Florentino V. Zaragoza, of Holtville.

They bring to 3,980 the total number of Californians killed in the Vietnam war.

FARM TENANCY IN VIETNAM

Mr. McGEE. Mr. President, American officials in Vietnam have long held that the country has the worst farm tenancy pattern in the world, with about 60 percent of the country's land still being tilled by tenant farmers and owned for the most part by absentee landlords.

All that, however, is about to change, as the South Vietnamese Senate has given its approval to a bill, already passed in similar form by the House of Representatives, to turn most of the land over to the farmers.

This important development was thoroughly covered in a New York Times dispatch written by James P. Sterba, which appeared yesterday. I ask unanimous consent that it be printed in the RECORD.

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

LAND REFORM BILL PASSED IN SAIGON—SENATE VOTES BILL SIMILAR TO HOUSE-APPROVED MEASURE

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, March 10.—Land reform inched forward in South Vietnam this week after a six-month pause.

A bill that would abolish absentee ownership and turn over about 60 per cent of the country's rice land to the tenant farmers who till it, without charging them for it, was passed by the Senate yesterday by a vote of 27 to 2. The House of Representatives passed a similar bill last Sept. 9.

The original bill was sent to the House by President Nguyen Van Thieu last July 2 as the first and most important social reform of his presidency, and one with obvious political benefit for him in the countryside.

After Senate passage, the bill was sent back to the House, where a two-thirds majority is required to alter it.

President Thieu today asked the House, in recess until April 1, to convene a special session this week or next to approve the Senate's version. A House steering committee agreed, but did not set a date.

COMPUTER WOULD PLAY ROLE

If everything goes according to plan, which rarely happens in this country, the legislation would wipe out in three years what United States rural development experts have called "the worst farm tenancy pattern in the world." A giant International Business Machines Corporation 360 computer in a building of the United States Agency for International Development in downtown Saigon would soon begin churning out titles for about 2.5 million acres of land.

"This was the major hurdle, we think," said one United States official today in referring to Senate passage to the bill. While some American officials foresee numerous administrative problems in implementing the program once it is approved by the President, the officials were obviously delighted with the Senate's action.

The program, known as "Land to the Tiller," as is the Vietcong's land reform program, would expropriate all the holdings of landlords who do not now live on their land. With money coming indirectly from the United States, the landlords would receive from the Saigon Government 20 per cent of the value of their land in cash and the rest in eight-year bonds.

Owner-operators currently living on their farms would be allowed to keep a maximum of 37 acres under the Senate bill and 74 acres under the House version.

Plots of land ranging from 2.5 acres to 12.5 acres, depending on which bill is signed, would be distributed free to 600,000 to 700,000 peasant farmers.

In many cases, the Government would simply issue titles for the land which the farmers have worked for years as tenants. Titles held by landlords, who collect 25 per cent or more of the annual crop would be voided.

Of the 43 million acres of land in South Vietnam, slightly less than 7.5 million acres are presently under cultivation, mostly in the Mekong Delta.

After numerous land reform measures during three previous administrations starting with Emperor Bao Dai in the early 1950's, about 60 per cent of the land continues to be farmed by tenants.

GREECE AND DEMOCRATIC GOVERNMENT

Mr. SAXBE. Mr. President, Greece has lived under all types of governments in its long and varied history, ranging from cruel oppression by foreign dictators to the free exchange of democracy. The lexicon of government and politics is filled with words borrowed from the Greek originals—tyrant, oligarchy, anarchy, and democracy—and the theories of government born in the minds of Greek philosophers have been put into practice by many nations, including our own United States. We owe much to Greece and from the experience of Greece we have learned a great deal about the organization of men in these communities we call nations. Perhaps there is now a need to remind Greece of those lessons of history and to suggest that Greece reread its own dictionary of government.

There is no need to reiterate the long history of Greece. They are well aware of their heritage, of their history, of their accomplishments and their failings, just as we in this Nation are aware of our history and the tasks awaiting us. But we can remind the Greek Government that within their history there are many precedents and examples of the extension of authoritarian rule, once it was established, and what finally emerged from the harsh rule of the few. The social and governmental reforms of Lycurgus of Sparta became the foundation not for democracy but for the authoritarian rule of the few over the many. When the aristocrats of Corinth, Sicyon, and Megara assumed power, they establish tyrannies, and the tyrannies were followed by political chaos and instability. The tyranny of Pisistratus over Athens led not to democracy, but to the "liberation" of the city by the Spartans. The reign of the democrat Pericles was followed by a tyrant, and the tyrants were followed by civil war, unrest, a collapse of values, disunity, instability, and defeat at the hands of foreign armies.

The history of Greece since its independence from the Ottoman Turks in the 1820's is checkered with swings between periods of relative democracy and relative tyranny. Men of good faith do not want to see another chapter added to the cycle of democracy-to-tyranny-to-chaos in Greece, but we want for the nation of Greece a return to democracy. Democracy has been seized by military men who are not tyrants as in the Greece of old, but who have nevertheless gathered all authority in their few hands. The coup d'etat may very well have thwarted a takeover by leftist and Communist elements who were going to use a political rally scheduled for April 24 to ferment a rebellion and eventual Communist takeover of the government.

After the events of April 1967 when this group of men forestalled what they considered to be a serious threat to their nation, there came a period of strict controls over the freedom of the Greek people. As the anxiety of crisis passed and as the new leaders of the government settled into their self-appointed jobs, many of the strictures and bans were relaxed, but some still prevail. Parliamentary government remains in suspension. Many of the individual rights of the Greek people are circumscribed by law. Other rights of the Greek people have been voided by intimidation, as, for example, in the case of free speech where the Greek people are afraid of discussing politics for fear their conversations may be construed as being in opposition to the government.

The present Greek Government has promised, and in some cases made good on those promises, to restore some of the freedoms of democratic government. The government said it would write a new constitution, present it to the people for their approval, and implement it after it had been approved. This has been done. There is a new constitution in effect, but not all of its provisions have been implemented. The government said it would restore free press, and it has, but only a partial restoration of one of democracy's most basic rights has been made. The government retains the right to decide what news may or may not be published or broadcast to the people. The government said it would return control over municipalities and provinces to the local authorities. They have made good on this promise also, but the government continues to appoint certain local administrators. In short, the return to democratic government promised by the leaders of the military Junta now in control of Greece has been only partially implemented. There are several remaining tasks to be done before Greece can again be numbered among the free and democratic nations of the world.

While recognizing the need for a cautious approach to the full restoration of rights in Greece, I believe that the Greek Government could act with more speed in returning Greece to a democratic course. I do not ask for or demand overnight miracles, but reserve the right to ask for a reasonable estimation of how long the junta envisions the process may take, and for an outline of the steps that are necessary for the restoration of democratic government. I ask these questions in good faith, not in tones of condemnation of the regime, of the government, or of the people of Greece. I ask because the American people are the friends of Greece and we want what is best for the Greek nation.

The colonels who seized power in Greece ostensibly did so because they feared for the security of their nation. The United States also has a stake in the security of Greece, as we ably demonstrated when we extended assistance to Greece in 1947 for its fight against Communist subversion, and through our membership and participation in the North Atlantic Treaty Organization. We would like to see Greece remain strong and free, and we have committed ourselves to that end through NATO and through our continued cooperation with the Government of Greece. The integrity of NATO depends to a great extent upon the continuation of freedom and liberty among the members of the alliance, including Greece. So that the United States and the NATO alliance could further demonstrate to the world our very firm commitment to democratic principles and our equally firm defiance of those totalitarian governments which would seek to subvert our democracy, I ask these questions of the government in Athens: What plans do you have for free elections? What is your program for the extinction of your government-by-fiat and the reinstitution of government-by-choice? When will parliamentary government be returned to Greece? When will Greece again be a democracy? I ask not as accuser or critic, but as a concerned friend. I hope the Government of Greece will return our friendship by offering answers.

THE FIGHT AGAINST INFLATION

Mr. HARRIS. Mr. President, Prof. Melville J. Ulmer, of the University of Maryland, is an economist of fresh viewpoint and ideas worth the consideration of Senators. I met with him yesterday to explore with him further the views expressed in his book and articles which I have studied with great interest. As I, he feels that it is wrong to agree that the present administration has no economic choices in the fight against inflation except those which will necessarily put more people out of work. Yesterday's Washington Post published a letter to the editor from him and I ask unanimous consent that it may be printed at this point in the RECORD.

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

LETTER TO THE EDITOR

Your editorial of February 18 is quite right in viewing the economic outlook as one of "painful economic adjustment." Most economists think that it may be even more painful, in terms of unemployment than the administration now concedes. You are seriously wrong, however, in characterizing this administration-induced slowdown or recession as in any sense a "remedy," and also in dismissing without a hearing all other possible alternative programs.

At best, the Council of Economic Advisers promises that the inflationary rate will be down to 3½ percent, on an annual basis, by the end of this year. But this is a mighty fast clip; if continued, it would double the price level in 20 years, eating up the value of pension funds almost as fast as they are accumulated. More important, unemployment is expected to be materially higher than it is now at the end of the year. Some think it may reach 6 percent of the labor force. Few outside government put the prospective rate at much less than 5 percent.

So what are we to do then, in line with this policy, after the 1970 elections? Renew the assault on inflation, getting the price rise down lower but creating more unemployment? Relax on unemployment and let prices resume their 1968–1969 gallop? Maintain the status quo, with excessive unemployment and excessive inflation persisting hand in hand? These seem to be the only alternatives offered by present policy.

Viewed in this light, the administration's current clampdown on economic activity is not a remedy for anything. It simply provides another link in the chain of ups and downs that have been in progress since World War II. We never for very long, over that period, have been without too much inflation, too much unemployment, or both.

It is proper, I think, to sympathize with the administration in the real difficulties involved in this economic dilemma. But your editorial goes much too far. It states, at different points, that "no one can come forth with a less risky remedy," and "there is no other known remedy at hand." These assertions do less than justice to economists, like myself, who have offered alternative programs in publicly available books and articles. Perhaps it will turn out, from an economic standpoint, that this really is the best of all *possible* worlds, but few of us outside the administration, I think, share *The Washington Post's* complacent confidence that it most certainly is!

MELVILLE J. ULMER.

SALT: A CALL TO STATESMANSHIP

Mr. BROOKE. Mr. President, the impending resumption of the Strategic Arms Limitations Talks presents an opportunity which may not come again to promote the security of mankind through reasonable international agreements. It is imperative that this opportunity not be lost.

The problems to be resolved in the SALT negotiations are real and profound. They can only be made more difficult by ill-considered actions or statements on either side. Mutual suspicion between the Soviet Union and the United States remains high. Every effort must be made to provide a solid basis for mutual confidence in both sides' commitment to arms control.

In an historic statement last weekend the Soviet Union, speaking through an extensive article in Pravda, reviewed at length a number of issues bearing on the SALT negotiations. This important document, though weighted down with the customary ideological baggage which has impeded international communication for so long, is distinguished primarily by a forthright and perceptive view of the present strategic situation. The Soviet Union makes clear that no advantage can be gained from a new round in the strategic arms race. For a further spiral in the weapons competition will not change the fundamental correlation of force between the two countries. Each nation will do what is required to maintain a devastating retaliatory capability.

As the Pravda article indicates, the only result of a continuation of the arms race will be the waste of vast resources and the heightening of world tensions.

Pravda endorses the recent comment by McGeorge Bundy:

A strategic nuclear engagement could not lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact.

The Pravda article is a remarkable expression of the futility of the arms race and of the urgency of successful negotiations in SALT.

The article is also marked by sharp criticism of American plans to continue work on certain strategic weapons. It reveals the kind of apprehension about American intentions which our country has often felt toward the Soviet Union. Pravda contrasts the United States professed interests in SALT with its reported persistence in certain strategic programs. I think it is of the utmost importance for both countries to maintain a sense of balance in judging each other's behavior at this critical juncture. The Soviet Union should not build exaggerated fears on the basis of American efforts to explore various strategic options which might be required if the SALT talks are unsuccessful. For example, research on improved hard-point ABM systems and preliminary work on measures to reduce the vulnerability of the American deterrent should not cause undue alarm in Moscow.

Most of Secretary Laird's programs for fiscal 1971 are of this character; they are contingency programs which can certainly be suspended as progress occurs in SALT.

At the same time, however, the United States must exercise restraint on any new strategic commitments which might be difficult to reverse. It is for that reason that a growing number of Senators and Congressmen are urging the President to postpone deployment of Multiple Independently Targetable Reentry Vehicles—MIRV. There is no requirement for such weapons at this time, and postponement of MIRV deployment could afford a vital opportunity to explore Soviet intentions and the possibility for early agreements in the SALT conference which reconvenes in April.

This urgent recommendation is grounded not on any naive view of Soviet good will, but on a hard-headed calculation of our two countries' mutual interest in devising a stable strategic relationship at the present level, where both sides have a credible deterrent, rather than at a higher level which can only be reached through a dangerous transitional phase which will call into question that deterrent. The true naiveté consists of thoughtless reliance on the outworn myth that one cannot exercise restraint without creating the impression of weakness. Our confidence in our own deterrent capability should be sufficient to permit such restraint without creating false illusions in Moscow. Certainly we must be wary of the Soviet Union, whose purposes remain to be tested in the SALT negotiations and otherwise; but we must also be wary of any tendency on our own part to drift into unnecessary weapons deployments which only render more remote the effective arms limitations required for security in the nuclear

era. Some kind of MIRV deployment may ultimately be required, especially if Soviet ABM forces grow substantially, but premature installation of these weapons would be tragically unwise.

Pravda states the case well when it says:

Despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states await and by which they will gain. . . . If both sides intend to hold honest talks without striving to obtain any unilateral military advantages and if the negotiations proceed from the need to insure equal security for both sides . . ., then one can count on achieving agreed solutions.

Mr. President, I ask that the text of the Pravda article, entitled "An Important Problem," be printed at this point in the RECORD.

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

AN IMPORTANT PROBLEM

The Soviet-American talks on limitation of the strategic arms race which took place at the end of last year in Helsinki and are to be resumed in Vienna on 16 April are arousing the unremitting interest of the international public. It is evident that a great deal in insuring international security will depend on whether or not there is success in ending or at least restricting this race.

The Soviet Union unswervingly advocates the peaceful coexistence of States, irrespective of their social systems, peace, and security. Its consistent and principled position aimed at relaxing international tension and ending the arms race is widely known. At its foundation lies people's fundamental interests—the strengthening of peace and the establishment of good relations between States. This is an ineradicable feature of Soviet foreign policy.

General and complete disarmament is the most radical method of eliminating the dangers connected with the buildup of increasingly more powerful means of destruction. During the entire history of the Soviet state, the Soviet Government has repeatedly made proposals for implementing such disarmament.

In waging the struggle for general and complete disarmament, our state by no means believes that one can be guided by the principle of "all or nothing." Given the current continuing process of building up armaments, including the most destructive, the interests of the struggle for peace demand the utilization of all opportunities for restricting the arms race, reducing the military danger, and relaxing international tension.

Proceeding from this, the Soviet Union has proposed and now proposes the implementation, through the reaching of agreement, of a number of measures that would reduce tension and the scale of the arms race whipped up by aggressive imperialist circles and avert the possibility of unleashing a thermonuclear war. Limitation of the strategic arms race could become an important and timely step in this direction.

The 1963 Moscow treaty banning nuclear tests, the 1967 [treaty] on space which particularly envisaged banning the placing of nuclear weapons in space orbits and on the moon and other heavenly bodies, the nuclear weapons nonproliferation treaty, and certain other international agreements constituted the beginning of the movement in that direction. Article six of the nonproliferation treaty, which came into force on 5 March of this year, specially provides that its participants commit themselves to conduct in a spirit of good will talks on effective measures for the ending of the nuclear arms race and for nuclear disarmament and also talks on a treaty on general and complete disarmament under strict and effective international control.

Undoubtedly, the efforts not of one or two States but the united efforts of the world's states are required to resolve the problem of general and complete disarmament. Nuclear disarmament requires the participation of all nuclear states. At the same time the correlation of strategic forces on an international scale is now such that the efforts of the United States and the Soviet Union, which possess the greatest nuclear potential, aimed at limitation of the strategic arms race could also greatly promote the interests of the security of other countries in addition to the interests of universal peace. Of course, to achieve this it is necessary that a serious and honest approach be made by the sides—an approach shorn of the intention to achieve unilateral advantages by means of the talks or to utilize the talks as a cover for the development of a new round of the arms race.

In its approach to resolving the problem of limiting the strategic arms race, as in its approach to the disarmament problem as a whole, the Soviet Union is invariably guided by the interests of strengthening general security and consolidating peace.

The present situation is such that science and technology have enabled man not only to harness the power of the atom, to create cybernetic and computer devices which considerably ease man's mental labor, to build new branches of industry, to revolutionize the science of control, and to accomplish a breakthrough into space, but have also placed in man's hands weapons of destruction that are monstrous in force. Recent years have seen the creation of new generations of missiles, submarines, bombers, and other offensive means much more powerful and yet at the same time less vulnerable than their predecessors. The emergence of these new offensive means brought into existence means of combating them, and this, in turn, resulted in a further improvement in offensive means. Thus there has arisen the real threat of the beginning of a new stage in the arms race, which on the political and military plane means intensification of the danger of a world thermonuclear conflict.

The military-strategic correlation of forces in the world makes quite unrealistic any of the calculations of western militarist circles about the possibility of victory in a thermonuclear war. Judging by everything, a new spiral in the arms race would not change the essence of this correlation. If an unrestricted strategic arms race were to take place, one could expect an increase in the illusions of aggressive imperialist circles about the possibilities of achieving military superiority and, consequently, also in the temptation to put fate to the test by unleashing a thermonuclear war.

A THERMONUCLEAR WAR

On the admission of many bourgeois figures in the west who are fully informed about the true state of things, with each passing year the arms race becomes increasingly more unpromising. Thus McGeorge Bundy, former adviser to Presidents Johnson and Kennedy on questions of security and military strategy, wrote recently: "A strategic nuclear engagement could not lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact."

Meanwhile, the race for strategic offensive and defensive weapons is consuming tremendous resources. According to estimates by the American press, the cost of building the Safeguard ABM system, which is now being created in the United States, will be nearly 50 billion dollars. If the strategic arms race is not halted, there may be a repeat of what happened regarding nuclear weapons when in 1946, as a result of the refusal of the United States and other western countries to accept sound and concrete Soviet proposals on banning and liquidating nuclear weapons, the nuclear arms race began.

How then can a barrier be erected on the path of a further strategic arms race? The USSR and the United States have set about finding an answer to this question in Helsinki. The very fact that talks on such an important question have begun between the USSR and the United States has met with broad support by the peace-loving public and more farsighted political and governmental figures, including those in western countries. Commenting on the Helsinki talks, the American newspaper Christian Science Monitor wrote that "in the United States the public yearns for an end to the fruitless accumulation of weapons." The world press has noted the Soviet Union's serious and businesslike approach toward the talks—an approach that has also been recognized by U.S. officials, namely chief of the U.S. delegation G. Smith and delegation member and former U.S. ambassador to Moscow L. Thompson at a press conference in Washington on 30 December 1969.

However, there are also forces—and these, too, are in the west—that neither the talks on restriction of strategic weapons nor even less the prospect of agreement between the USSR and the United States on this question suit. For example, the West German newspaper *Die Welt* and certain other press organs, reflecting the attitude of the more reactionary militarist circles of the German Federal Republic, have actually spoken out against the Soviet-American talks on limitation of the strategic arms race. The enemies of the restriction of the strategic arms race in the United States itself have also been more active recently.

It is impossible to pass over the fact that precisely now, on the threshold of the round of talks in Vienna, many U.S. newspapers and journals are writing less often about restrictions of the strategic arms race while giving somewhat more space to a diametrically opposed theme—the question of creating and developing new strategic weapons systems. In essence, the beginning of this campaign was launched by U.S. Defense Secretary Laird. The leader of the U.S. military department recently made a whole series of public speeches in which he persistently called for the buildup of various strategic weapons systems. In particular, Laird zealously insisted that development of the safeguard ABM system should be accelerated in the United States now, and he is fighting for Congress to increase appropriations for this purpose.

Nor is it possible not to be put on the alert by how often and how many times the defense secretary discusses Pentagon plans for the creation of new offensive strategic weapons systems. For example, at a press conference on 7 January Laird designated "as most important tasks" creation of a new strategic bomber to replace the B–52 and development of improved long-range underwater offensive systems. The defense secretary also advocated development of an improved offensive intercontinental ballistics missile and so forth. By Laird's own admission, many of the projects mentioned above are already in the "research and development" stage.

It is characteristic that whereas last year in seeking congressional approval of appropriations, first of all, for the safeguard system the U.S. Government certified that the latter's further development would depend to a large extent on the results of the SALT talks with the USSR. U.S. Government figures now prefer not to recall this.

The U.S. Defense Secretary lavishly spices his demands for intensification of the arms race with references to the mythical "Soviet threat." The utter groundlessness of such accusations directed against the Soviet Union is obvious. It is well known that measures implemented in the USSR during the postwar period to strengthen its defense capability were a reply to the unrestrained pace in nuclear missiles and other weapons whipped up by the United States. It suffices to recall that the notorious theory of the need to insure military supremacy over the Soviet Union has been rife in the United States, particularly in the military circles. The New York Post reasonably suggested: "In the light of the Pentagon's traditional negative approach toward disarmament, it is logical to suspect that this argument is designed to prevent the United States from holding the talks."

HOLDING THE TALKS

The American press is paying attention to the fact that the voices of those who seek an increase in appropriations for military preparations are resounding ever louder in Washington. The New York Times recently wrote: "In the process of elaborating the American position in the talks with the Soviet Union on the restriction of strategic weapons, certain alarming signs of the military's excessive influence have come to light . . ."

In connection with Laird's increasingly frequent speeches in favor of the buildup of U.S. strategic weapons, many American observers point out that this answers the interests of the military-industrial complex. It is no secret that the military-industrial complex would like to begin a new expensive round in the strategic arms race, whip up a militaristic tendency in Washington's foreign policy, and lead matters to a further exacerbation of international tension.

Laird's traditional inclination to make bellicose speeches does not surprise us, but nobody can close his eyes to the fact that Laird occupies the responsible post of a member of the Government. Each of Laird's public statements is rightly regarded by the public as a statement on or a reflection of the position of U.S. ruling circles. One must ask to what extent Defense Secretary Laird's militaristic appeals reflect the position of the U.S. Government.

A number of observers, including those in the United States itself, ask this question with a certain uneasiness: Is not this entire campaign in the United States for the benefit of further development of the arms race a new relapse of the old American political disease, which acquired, in the time of J. F. Dulles, sad notoriety under the name of policy "from a position of strength?" What is the correlation between the well-intentioned official speeches which ring out at times in the United States in connection with negotiations and those deeds and tendencies manifest in practice in developing the strategic arms race? Is it really not clear that the essence of the position is put to the test by actions, by practice, and not by statements for the sake of effect when they are not confirmed by facts and not translated into life?

If vestiges of former notions from which even J. F. Dulles was forced to depart in his final years as Secretary of State are really being reborn in the United States, then such a development of events cannot fail to give rise to most serious doubts about the sincerity of U.S. intentions with regard to talks with the Soviet Union on limitation of the strategic arms race.

History has many times irrefutably proved the entire groundless and illusionary quality of the calculations of those who have tried to talk to the Soviet Union "from a position of strength." The policy of pressure on the USSR is an attempt using unsuitable means. No one can or should have any illusions on this score. The past half century has shown in deeds the ability of the working class and all working people of the Soviet Union to prove the firmness of their socialist gains and of the international positions of our motherland. But the question is invariably asked: Do the latest statements by Washington officials about the further buildup of armaments not reflect the growing influence of those military-political forces in the United States which do not want agreement with the USSR on strategic arms limitations? Such a question has recently been appearing more and more frequently on the pages of the American press, too.

The solution to questions connected with limitation of the strategic arms race is undoubtedly not the simplest of tasks. This is explained not only by the nature of these armaments but also by the fact that the solution of problems connected with them affects a sensitive problem for every state—the problem of national security.

All the same, despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states await and by which they will gain. However, an indispensable condition for this, as the experience of international relations convincingly proves, is the existence of good will on both sides and the quest for a mutually acceptable agreement. If both sides intend to hold honest talks without striving to obtain any unilaterally military advantages and if the negotiations proceed from the need to insure equal security for both sides with the simultaneous complete consideration of the task of reducing military danger and consolidating peace in general, then one can count on achieving agreed solutions. But if one of the sides tries to use the talks merely as a screen for abetting the strategic arms race, then naturally the full weight of political responsibility for all the consequences of such a position will fall on it.

FALL ON IT

As the Soviet delegation in Helsinki emphasized, the Soviet Union is approaching the talks with the most serious intentions and is striving to achieve a mutually acceptable and mutually beneficial understanding. At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to acquire any unilateral additional advantages for itself in the sphere of safeguarding just its security. The Soviet Union has at its disposal an arsenal of modern weapons enabling the interests of the security of the USSR and its allies to be guaranteed to the necessary degree. The Soviet Union's position on this question is determined by the concern for strengthening international security without harming the interests of all other countries.

Solution of the disarmament problem would help to release from the sphere of military production colossal means which are expended on armaments throughout the world and whose utilization for the needs of economic development could assist the scientific, technical, and economic progress of all mankind, including the most developed capitalist countries where the ostentatious prosperity of the minority cannot conceal, by admission even of bourgeois governments and the press, the glaring elementary needs and requirements of the working majority.

The Soviet Union has confirmed by deeds its sincere interest in contributing by all possible means to the solution of the tasks which even more acutely face mankind in the field of restraining the arms race and of advancing along the path leading to partial disarmament measures and to universal and complete disarmament. Only such a path can provide an effective solution to problems connected with insuring a stable peace.

Mr. BROOKE. Mr. President, let me conclude by summarizing the essential points to be drawn from the present strategic stalemate. Both the United States and the Soviet Union today have credible mutual deterrence for the foreseeable future. No new weapons can alter these fundamental facts; they can only drain billions of dollars in precious resources from both countries and gravely complicate the relations between them. Under these circumstances, and considering the very real danger that the pace of technological innovation may exceed that of political accommodation, I believe there is an overwhelming case for the United States to propose an interim freeze of strategic weapons as the first order of business when the SALT negotiations resume. No further testing or deployment of MIRV, no additions to the offensive missile forces, no expansion of ABM systems beyond the deployments already planned—an agreement to hold the lines on these points would buy time to devise effective verification and controls for a durable strategic equilibrium. As I have said many times, the leading edge of this technological behemoth is MIRV development and deployment. And I am convinced that an initial effort should be made to deal with this factor. But a more general strategic freeze encompassing MIRV and other items should be proposed, perhaps for a period of 2 years. Since both sides now have effective deterence they could accept such an interim freeze with great assurance that the balance would not be disturbed significantly in the short run. Such a freeze is essential if the momentum of technology is not to smother the prospects for success in the SALT negotiations.

Seldom in history has there been so immense an opportunity and so profound a responsibility for creative political leadership. The enlightened initiative of statesmen on both sides is indispensable. For the sake of all mankind, let us not be found wanting.

THE BOMBING OF LAOS

Mr. McGEE. Mr. President, one of the more unfortunate aspects of the recent flurry of debate over the situation in Laos is the drumfire, as Columnist William S. White calls it, of calls to halt the bombing in Laos.

This, of course, could prove disastrous to American troops in Vietnam and to the South Vietnamese people, for it would mean that Laos and the Ho Chi Minh trail would become privileged sanctuaries and that North Vietnam's men and supplies could flow southward without interdiction. Mr. White, in a column published in today's Washington Post, makes this point most effectively. I ask unanimous consent that his column be printed in the RECORD.

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

NEW DOVE CAMPAIGN ON LAOS PERILS WAR POSITION OF U.S.

(By William S. White)

The hour of maximum peril to any possibility of effective American prosecution of

even a limited war in Vietnam is now at hand.

The long and short of it is that here at home the all-out anti-war doves have opened a campaign whose real and ultimate aim is to force a halt to all American bombing operations over Laos. End this bombing and you make a privileged sanctuary of the most vital of all the supply lines of the North Vietnamese Communist enemy—the Ho Chi Minh trail running southward from Red China.

And, as so often before, the Communists themselves are simultaneously exploiting these domestic political pressures upon President Nixon toward the same end—"halt the bombing." The Communist Pathet Lao, the fifth-column Laotian equivalent of the Communist Vietcong in South Vietnam itself, is extending "peace proposals" to the neutralist government of Laos—provided, that is, that first of all the American air arm is withdrawn.

Nobody is suggesting that the Senate doves are consciously cooperating with the enemy for what would amount to a catastrophe to the American and allied military position in all Southeast Asia. Nevertheless, the fact is that this drumfire from the more extreme doves over Laos is the most damaging of all their endless clamors over all the years in which they have so doggedly fought to bring about what would amount to American surrender in Vietnam.

For if all the bombing action over Laos should be foreclosed—and all this bombing is done with the consent and request of a Laotian government to which the Communists themselves once agreed and helped set up—it would mean the beginning of the end. It would mean, specifically, the beginning of the end of any hope, however remote, for any negotiated settlement that would not come down to an American defeat.

If the President should be forced into this action of folly and disaster, he might as well bring the troops home from South Vietnam on a far faster schedule than any heretofore ever contemplated.

The precariously neutral state of Laos would become Communist within 30 days. Already, and quite apart from the Pathet Lao fifth column, at least 50,000 North Vietnamese troops are in Laos.

"Stop the bombing" was, of course, the cry for years, and at last the successful cry, of the American doves when they spoke of North Vietnam. This concession by the United States was in itself deeply dangerous; but it could be borne, if barely, because of the presence in nearby Laos of American air power. If our pilots could no longer attack our enemies in North Vietnam, they could at least interrupt their line of men and guns coming down the Ho Chi Minh trail. If "stop the bombing" in Laos is also to be a successful cry—and this columnist hopes and believes it will not be—that, as the saying goes, will be the ball game so far as Vietnam is concerned.

The form of "criticism" now coming from the floor of the Senate is all but unexampled in that repeatedly it compels the disclosure of strictly military information.

Mr. Nixon, in summary, faces as to Laos a suddenly and vastly escalated dove attack just when it had begun to appear that his policy of gradual but honorable disengagement from Vietnam was going to be given some chance to work itself out.

FEDERAL MACHINERY RENDERS RELIEF TO INDIVIDUAL

Mr. SCOTT. Mr. President, yesterday an exchange of correspondence between one of my constituents and the Interstate Commerce Commission was called to my personal attention. This correspondence underscores the proposition that the machinery within the Federal Government can be directed to render relief to the individual.

Last December, I received a letter from Mr. William W. Bancroft requesting my assistance in locating his wife's winter clothes, which had been lost in transit from California to Pennsylvania. I referred the letter to the relevant Government agency, in this case the ICC, for any assistance or guidance they might render on behalf of the Bancrofts.

The ICC went into action immediately, and on February 19 it received the subsequent correspondence from Mr. Bancroft which read, in part, as follows:

In December I wrote Senator SCOTT for assistance in locating my wife's winter clothes, which had been lost in transit. . . . At that time I was convinced they were irrevocably gone . . . and perhaps I was merely registering a complaint with my State('s) Senator.

(Thereafter) we drove up to Farmingdale, New York, to pick up her last year's styles.

(Now, as a result of the I.C.C.'s help) my wife has two sets of winter clothes, which seems to please her.

I would like to thank you . . . for all your assistance to me. I had not expected to see the clothes again.

This is clear and convincing evidence, Mr. President, that our Federal regulatory agencies do care about the little person and will come to his aid against the massive and sometimes unresponsive machinery of big industry when so requested.

I want to take this opportunity, therefore, to commend the ICC for responding to pleas at the personal level.

Meanwhile, Mr. Bancroft's wife has her winter clothes just in time to worry about the hemlines.

DEMONSTRATION GRANTS TO ADMINISTER OEO PROGRAMS

Mr. HARRIS. Mr. President, my office was informed this week by a representative of the Office of Economic Opportunity that the State of Oklahoma and 15 other States—Alaska, Arkansas, California, Florida, Idaho, Iowa, Louisiana, Maryland, Minnesota, Nebraska, North Dakota, South Carolina, Tennessee, and West Virginia—will receive demonstration grants to administer OEO programs.

The information I have received is that the States involved will perform the services now being performed by field representatives of OEO. State personnel would, under the grant, assist grantees in the preparation of grant applications; would give funding guidance; would monitor the performance of the grantees for the purpose of determining that the grantees are maintaining proper bookkeeping procedures and other related purposes; would respond to requests for information; and when new guidelines are announced, would hold information meetings. In addition, the States would make the first determination on eligibility for funding, although it is claimed that this determination would be limited to a determination of compliance with State laws by the grantee. No written materials were furnished my office and obviously all of the details of the grants are not set forth above.

However, enough information about this new policy has been furnished to cause me to be very much concerned and disturbed about it. During the last session, Congress decided specifically against giving control of OEO antipoverty programs to the States. Mr. Rumsfeld himself stated at that time that to take such action would be "disastrous" to his agency. Yet, now it would appear that what is being proposed in these demonstration grants would be a step in that direction.

I have contacted the Committee on Labor and Public Welfare to determine whether they have been contacted concerning the demonstration grants and learned that they had not been. Since nothing has been furnished in writing, and since it had appeared on the basis of the information that I have been furnished, that the proposed grants may be in contravention of action taken by Congress I think it would be desirable for the the Committee on Labor and Public Welfare to have hearings on this matter, and I have urged the committee to do so. The Senate and Congress are entitled to more answers than have to date been given if they are going to be expected to approve this procedure and if a majority of them are going to be willing to continue to support the OEO program generally.

TAX REFORM AND FOUNDATIONS

Mr. PERCY. Mr. President, when the Tax Reform Act was passed in December, many Members of Congress expressed their concern and dismay over the final version.

One of the controversial sections of this bill was in reference to foundations. In order to keep foundation funds out of particular political campaigns, Congress provided for restraints such as the provision referring to the use of foundation funds for voter registration.

Now one foundation has given its reply to this legislation in a very thoughtful report by McGeorge Bundy in the Ford Foundation's annual report. In this report, Mr. Bundy raises both the problems and the merits of what this Congress has made the law of the land. I believe that it is a worthwhile report that should be read by every Member of Congress.

On March 8, the Washington Post published an editorial on this issue which I believe is a worthwhile review of Mr. Bundy's report.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

FOUNDATIONS AND THE NEW TAX LAW

Foundations which are trying to adjust to the new Tax Reform Act will find both sympathy and wise counsel in McGeorge Bundy's approach to the problem in the annual report of the Ford Foundation. Mr. Bundy is not one of those who see the new law as a vicious and unwarranted assault on the foundations. He takes the restrained and sensible view that "no group is above regulation, and there is no safety in any notion of an immunity conferred by some

divine right of private charity to do just as it pleases."

Although Mr. Bundy believes that "the freedom of the foundations is their most precious asset," he also acknowledges that this freedom "requires enough regulation to provide confidence, in Congress and in the country, that serious abuses are being prevented." He writes sympathetically of the provision forbidding self-dealing (between foundations and their controlling parties) and of the requirement that foundations gradually divest themselves of controlling interests in particular companies. Likewise he approves the requirement that foundations pay out at least 6 per cent of their assets or full net investment income, whichever is higher, each year for charitable purposes.

Instead of denouncing Congress for striking at the travel and study awards which the Ford Foundation had given to former members of the late Sen. Robert Kennedy's staff, Mr. Bundy prudently expresses satisfaction that a "workable solution" of the problem was found—we say prudently because he had something to do with creating the problem by making the awards. Congress required an "objective and nondiscriminatory basis" for such awards under procedures to be approved by the Treasury. The president of the Ford Foundation thinks the restraints laid upon the use of foundation funds for voters registration may prove to be unduly restrictive, but he recognizes that Congress was actuated by a legitimate aim—to keep foundation funds out of particular political campaigns.

One of the most difficult problems which Congress passed on to the Treasury experts who are now writing regulations for the new law is the insulation of the legislative process from tax-exempt lobbying or propaganda. The old law prohibits charitable organizations from devoting any "substantial" portion of their activity to influencing legislation. The new law extends this restriction to all such activities, even though "insubstantial." Since, as Mr. Bundy points out, "there is almost no subject a foundation touches that may not sooner or later have an effect on legislation," the regulations now in preparation will have to be drawn with the utmost care to avoid stifling the vast amount of good work the foundations do in the spheres of education, social improvement and public enlightenment.

We share Mr. Bundy's concern over the 4 per cent excise tax which Congress levied on the net investment income of the foundations. Many foundations supported the Treasury's idea of an "audit fee" to cover the government's outlay for regulating the foundations, but Congress went substantially beyond this, apparently on the theory that wealthy foundations should carry some part of the tax burden. Actually, however, as the president of the Ford Foundation pointedly notes, the result is "a tax on charity."

A serious question is also raised about the distinction that Congress drew between gifts of appreciated property to foundations, on one hand, and to colleges, universities and other publicly supported charities, on the other. When large gifts are involved the discrimination against the foundations is very substantial. Both of these complaints about the law will merit careful attention when Congress gets around to reviewing its actual operation.

THOMAS MASARYK: A SYMBOL TO THE FIGHT FOR HUMAN RIGHTS

Mr. PROXMIRE. Many great statesmen have led their country's struggle for freedom from an oppressive foreign rule. Other men have devoted their lives to championing the great moral causes of our times. Few, however, have been able to do both—to be at the same time a political leader for independence and a leader for human rights.

Thomas Masaryk, the Czech patriot and founder of the Czech Republic, was one of these exceptional men. A scholar of philosophy and sociology, he was the unchallenged leader of his country's drive for independence. Throughout his long years of dedication to the liberation of Czechoslovakia from the cruel yoke of Austrian rule, he never lost sight of the humanistic goals to which he had ascribed in his early university days. This is evidenced in his own words by his burning desire to "devote himself to a crusade of moral education among the Czechoslovak people." His dedication to this lofty principle, when combined with an exceptional ability for political pragmatism and statesmanship, led to a life of unparalleled service to his country.

It is particularly fitting now, since last Saturday marked the 120th anniversary of his birth, to pay tribute to Thomas Garrigue Masaryk, who is a great symbol to those of us involved in the fight for Senate ratification of the Human Rights Conventions.

Thomas Masaryk was born in 1850 in Hodonin, a small village in a section of Czechoslovakia then under the domination of the Austro-Hungarian empire. After acquiring an extensive academic background in the humanities, he became in 1879 a lecturer in philosophy at the University of Vienna. However, his concern for the plight of his countrymen and his anger at their oppression by a foreign power drove him from Vienna to Prague, where he took the post of professor of philosophy and sociology at the University of Prague.

In 1899 he became the editor of Time, a political weekly devoted to discussion of the burning issues of the day, including Czech political freedom and human rights. His desire to advance the cause of his enslaved people led him to run for Parliament as a reform candidate. After 2 years of service in the legislature, he became convinced that the most effective means of achieving his goals was his work at the University of Prague. However, in 1900 his friends founded a political party, and in 1907 Masaryk was elected to Parliament as a candidate of the Realist Party. His return to the legislature was marked by a continuation of his scathing criticism of the government's internal policies and treatment of the Czech people.

When World War I broke out in 1914, Masaryk traveled abroad to elicit support for Czech independence. In 1915 he inaugurated the movement for independence, and in the following year was a founder of the Czechoslovak National Council. Masaryk's tireless diplomatic efforts on behalf of his country were rewarded in 1918, when France, Britain, and the United States recognized the National Council as the legitimate representative of Czechoslovakia. Independence was proclaimed on October 28, 1918, and Masaryk became the first President of the Republic. For 17 years as President he devoted himself to building a strong and viable government and society.

The tragic events that have occured in Czechoslovakia since then—from the German invasion in 1938 to the Russian destruction of liberalism and humanism in 1968—underscore the crucial need for the continuing protection of these basic human rights, not only for the people of Czechoslovakia but for all mankind. It is only fitting, then, that we pay tribute to Thomas Masaryk, not only for his unequaled role in establishing freedom and independence for Czechoslovakia, but for his tireless efforts in furthering human rights in his country and throughout Europe. We would do well to remember his words in our efforts to secure Senate ratification of the Human Rights Conventions:

The ethical basis of all politics is humanity, and humanity is an international program. It is a new word for the old love of our fellow men.

L. B. J. AND "THE AUTHORITIES"

Mr. McGEE. Mr. President, today's Washington Post contains a column by Jack Valenti, former special assistant to President Johnson, which is certainly pertinent in these days when there is rampant discourse on who influenced our last President and when.

Mr. Valenti, who owns up to knowing quite a bit about how Presidential decisions were made, but not all, lays it on the line and tells why none of the so-called authorities are right. It is a column worth attention. I ask unanimous consent that it be printed in the RECORD.

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

L. B. J. AND "THE AUTHORITIES"

(By Jack Valenti)

Today it is fashionable (and therefore The Truth) in certain environs of Washington and on the east side of New York to declare that President Johnson's word about how he reached a decision is untrue, and to rely for authenticity on the views of commentators and authors and "inside" government people.

This is a splendid arrogance, mocking and impertinent. It is also quite silly.

Those who have reached this conclusion imagine they know more about the President's thinking process and decision-making apparatus than the President himself, and they quote for their authorities various disparate seers and use these often-remote observers as surer sources of truth than the President.

Indeed, one reviewer of President Johnson's telecast, "The Decision to Stop the Bombing," called the President's version "revisionist." Another reviewer actually said: "The President's account is also, of course, quite incompatible with the report of Townsend Hoopes in 'The Limits of Intervention.'"

If this were not taken so seriously by some, it would be a proper skit for "Laugh-In." Hoopes, for example, to my certain knowledge, never attended a single meeting in the White House on Vietnam and he was, in five years, in the White House only five times, twice to be part of the audience at ceremonies awarding Medals of Honor, twice for meetings on the Middle East, and once for a meeting on Turkey. None of these meetings, I might add, included the President.

Hoopes never attended the important 8:30 a.m. Defense Department meetings in the Secretary's office. He seems to have spent most of his time writing memos to himself

which he unveils in his book with all the awe accompanying the deciphering of the Rosetta Stone. All Hoopes writes about is what he either overheard in the corridors of the Pentagon or what some people told him. Therefore, it is an accounting which could have been done by any one of a hundred competent Washington reporters. Indeed, Henry Brandon's latest book is far more knowledgeable than Hoopes'. But because Hoopes allegedly was an "insider," a good many people in Washington and New York use him as The Diviner of presidential thought, and The Authority on top secret Vietnam meetings.

But the essential truth overlooked is one that every presidential assistant knows, or ought to know, and every professional reporter understands. This truth is best stated by Arthur Schlesinger in the foreword to his volume "A Thousand Days":

"A presidential associate, moreover, inevitably tends to over-rate the significance of things he does know about. Grace Tully who was FDR's personal secretary acutely observed of the books written by the men around FDR: 'None of them could know that for each minute they spent with the President he spent a hundred minutes by himself and a thousand more with scores of other people—to reject, improvise, weigh and match this against that until a decision was reached.'"

This statement is very, very true. Thus, it becomes comic lunacy to think a minor official in the Defense Department, or anyone else *reporting* events, has a more truthful grasp of presidential motives and thoughts and action than the President. Titus Oakes once had a good deal to say about what high-ranking Englishmen were alleged to have said and thought, but no historian cites Oakes as an authority.

Colorful news reports of the decision to stop the bombing on March 31 are labeled as "the struggle for the President's mind." This is laughable. Whatever you may choose to say about Lyndon Johnson, even his worst enemies would have to concede he was one of the strongest-minded, toughest men ever to occupy the White House. To picture him as a dangling puppet pulled and tugged by various factions may be good theater, but it is lousy reporting.

I daresay I was one of three or four presidential assistants privy to much of what President Johnson was thinking and planning, but none of us was privy to *all*. This is a crucial fact. I must confess I cannot specify under oath exactly how the President reached *any* decision, because I do not know everything that went into the framing of the decision.

As anyone who has served a President can testify, chief executives sometimes encourage conflicting views among advisers, incite one aide to believe he is right in order to generate spacious rebuttal from another. One cabinet officer or assistant can be totally truthful when he reports that he told the President thus-and-such and the President seemed to be agreeable, or shocked, or interested or wrathful or convinced. But the cabinet officer or assistant cannot know that an hour later the President was discussing the same problem with another cabinet officer or assistant and getting another view of the subject and feeding that information into his own mind as he tried to shape and form the right course of action.

My own personal experience with President Johnson makes me know that no one person in his administration knew everything he was thinking. Many times I presented an idea to him and was rebuffed after a merciless cross-examination. I would leave the President convinced I had failed to excite his interest. Several days later, *after* the President had scoured the idea with other aides and advisers, I would find him taking hold of the idea, molding it and reshaping it, and finally using it for specific action.

But I could not swear that someone else had not offered the same idea to him, and I could not really know if it were an idea that had already occurred to the President and one which he wanted to circle and examine before he determined to use it.

That is why if I had scurried to my diary and inserted the presidential conversation in its pages as truth, I would not have been accurate. That is also why at memoir-writing time, each aide and adviser has a fixed and different opinion about what "the President thought." And that is why each memoir by aide and/or adviser can only be half-right, and only partly true.

The President's decision on anything may be right or wrong. It may be to the nation's benefit or it may not. But *how* he reached that decision can be told only by the President and no one else, because no one, no matter how high or powerful in the government or out, knows everything that went on in the President's mind, and the facts, the information, the instinct, the judgments that formed the final shaping of the presidential decision.

MISLEADING STATEMENT REGARDING IOWA FOOD STAMP PROGRAM

Mr. MILLER. Mr. President, page 3 of today's Des Moines Register contains a story by reporter Jerry Szumski covering the Governor's Conference on Food, Nutrition, and Health at Iowa State University.

The keynote speaker at the conference was Mr. Nick Kotz, of the Register's Washington bureau.

The story reports that Mr. Kotz estimated 70,000 Iowa children go hungry because of an inadequate food stamp program and said "Iowa Senator JACK MILLER and Iowa Congressmen WILLIAM SCHERLE and WILEY MAYNE have obstructed legislation to expand food aid."

Mr. President, this is not the first time that Mr. Kotz has abused his power and responsibility as a journalist.

In the first place, the readers of this story have no way of knowing what Mr. Kotz meant by "obstructed."

In the second place, the facts do not support any such allegation.

The facts are that, as a member of the Committee on Agriculture and Forestry, I supported the administration's recommendation that $750 million be authorized for the food stamp program for fiscal 1970—more than double the $340 million authorized in the old law and almost three times the amount appropriated for fiscal 1969; also, that $1.5 billion be authorized for fiscal 1971 and 1972.

When the bill came before the Senate for debate, the junior Senator from South Dakota (Mr. MCGOVERN) offered an amendment to increase the amounts to $1.25 billion for fiscal 1970, to $2 billion for fiscal 1971, and to $2.5 billion for fiscal 1972.

I voted against the so-called McGovern amendment. Nevertheless, the amendment was adopted—notwithstanding that the administration had advised that it did not have the organization and personnel to properly handle more than the amount approved by the Senate Agriculture Committee. Those who supported the McGovern amendment were warned that such great increases in the program would not be approved by the House and might, in fact, jeopardize the entire program.

Although I voted against the McGovern amendment, I still voted for the bill when it passed the Senate, because I felt strongly that the food stamp program had been improved by the Committee on Agriculture and Forestry and I was hopeful that the House would take action on the bill and reduce the amounts down to what could be efficiently handled by the administration.

The bill passed the Senate on September 24, 1969, and it is still in the House. The warnings given the supporters of the McGovern amendment have come true. Had they been heeded, we would likely have had a bill passed by both Houses and signed by the President long ago.

I wonder whether Mr. Kotz should not have called the adoption of the McGovern amendment an act of "obstructionism."

Further, with this authorization bill being considered by the Agriculture Committees of the House and Senate, it became necessary to pass a special authorization bill just for fiscal 1970 as a basis for appropriations for the program in the Agriculture appropriations bill.

On June 24, 1969, the Senate passed Senate Joint Resolution 126, which increased the authorization for fiscal 1970 to $750 million. I not only supported this resolution, but, in fact, made the motion to report it out favorably in the Committee on Agriculture. Subsequently the House passed a similar resolution.

I ask, now, Does this sound like "obstructionism"?

Mr. Kotz, as a Pulitzer prize winner, is quite capable of ascertaining all of the facts which I have recited; and, to the best of my knowledge, all of these facts were known to him.

Now, after making such a gross and misleading statement, abusing his position as a keynote speaker at a Governor's Conference, he will apparently be returning to Washington to continue to undertake reporting in a manner in keeping with the standards of his profession which provide: "Good faith with the reader is the foundation of all journalism worthy of the name," and violation of this principle "is not to be excused for lack of thoroughness or accuracy" within the control of the journalist.

Mr. Kotz does not owe me any apology, because the facts refuting his misstatement are apology enough. But he does owe an apology to those attending the Governor's Conference for misleading them and to the readers of the Des Moines Register who have also been misled by his remarks.

CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, the authority for the oil import control program is vested in the President by section 232 of the Trade Expansion Act. Under that act, in order to restrict imports, the President must find that they "threaten to impair the national security."

When the present control program

was established in 1959 by President Eisenhower, Proclamation 3279 expressly exempted Canadian imports. This was clearly because Canadian imports did not, and could not, impair national security.

On March 10, President Nixon announced a significant cutback, about 150,000 barrels a day, in Canadian oil imports. Under what authority did he act?

He acted under the same authority which President Eisenhower concluded did not apply to Canadian imports. And everyone else has reached the same conclusion. Canada is, after all, our best friend and neighbor.

The President's own Cabinet Task Force on Oil Import Control, in a February 1970 report stated, on page 94:

> The risk of political instability or animosity is generally conceded to be very low in Canada. The risk of physical interruption or diversion of Canadian oil to other export markets in an emergency is also minimal.

Have there been any new developments which would justify the President's determination that there is some security risk in Canadian imports? The President's statement points out:

> The flow of oil from Canada, however, has recently risen to levels much higher than anticipated under the (voluntary) agreement.

Indeed, imports have risen sharply since January 1, when Chicago began to draw Canadian oil by pipeline. But exceeding a voluntary agreement is no basis for concluding that the national security is impaired.

The relatively small volume of Canadian oil now being imported is irrelevant to our national security, and it is difficult to believe that very much larger increases in such imports could affect our security interests adversely.

When the President released the task force's report on February 20, 1970, he said:

> All members also agreed that a unique degree of security can be afforded by moving toward an integrated North American energy market.

Are we to believe that in 18 days the "unique degree of security" has, somehow, been lost?

I think there is a serious question as to whether the President's proclamation controlling Canadian oil imports is valid. There is no question, however, that it is unwise. It is unfair to the Northern States and offensive to Canada.

The President said that the task force concluded that the present Canadian situation "does not effectively serve our National security interests and leads to inequities within the United States." And he also said that he deems it necessary "in the interest of the national security objectives of Proclamation 3279" to establish the import limitation. But he did not say expressly that these imports "threaten to impair the national security."

Perhaps, the most significant part of his finding is that it "leads to inequities within the United States." I can find nothing in the statutory authority for the import control program that relates to such internal inequities. And what about the inequities created for Canada? Has the United States no concern about those?

The President declined to adopt the recommendations of the majority of his task force calling for substantial increases in imports from the Middle East and Venezuela. These would have been of great benefit to American consumers and clearly would not have impaired the national security. The only ones who can benefit from that decision are the profit-swollen American oil giants. And now he has taken another decision, in the interest of these same giants, which can only hurt consumers and refiners in the northern part of the United States and our friends across the border.

In the case of my State, the problem is especially acute. The independent refiners there depend entirely on Canadian crude, except for quite limited amounts from North Dakota and Montana. The refiners use all of the domestic output which is available to them. If Canadian imports are curtailed, they must curtail operations.

Before the entry of these refineries in the Minnesota market, my State was plagued with uncertain supplies, high costs, and outright shortages of heating oil in the winter months. These refiners have stabilized the market, eliminated shortages, and controlled costs in what remains a high cost area. To cut back supplies for these refiners is intolerable. Contrary to the President's decision, his task force recommended that these refiners not have their supplies reduced.

For other users of Canadian crude, there are substantial domestic sources of crude oil available, although at a somewhat higher cost. I cannot condone the President's decision which will force higher cost petroleum on the consumers in other parts of the northern United States. In the case of my State, however, it is not a question of costs but of the survival of the refineries which have safeguarded the consumers of Minnesota from the serious problems which they have experienced in the past.

I understand that the Committee on Finance has promised to hold hearings on the oil import program. I thought that was very desirable before the President received his task force report. When he declined to implement his task force's proposals, I concluded that a congressional review was essential. Now I am convinced that it cannot wait.

There is a significant basis for concluding that the President's decision is in violation of the law. It is an unwarranted slap at our Canadian friends. I hope the Committee on Finance will examine in detail the basis for the President's action.

If he has violated the law, his action must be rescinded. In any event, I believe that Congress must seriously consider whether authority which can be exercised in such a cavalier fashion should be permitted to remain law.

INCREASED BROKERAGE COMMISSIONS

Mr. WILLIAMS of Delaware. Mr. President, recently the New York Stock Exchange asked for a substantial increase in brokerage commissions being charged the small investors; that is, those purchasing 200 shares or less. They suggested that this proposed increase for small-lot purchases be offset by a corresponding reduction for the large institutional buyers.

The approval of such a plan would be grossly unfair to the small investors, and it would also have an adverse effect on a recent national program to encourage every citizen to buy securities whereby he would become an owner of a part of America.

On February 20, 1970, I registered my objections to this proposal with the Chairman of the Securities Exchange Commission, and I was encouraged by his reply indicating a similar concern for the small investors.

I ask unanimous consent that my letter of February 20, 1970, addressed to Mr. Hamer H. Budge, Chairman of the Securities Exchange Commission, and his reply thereto, dated March 4, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., February 20, 1970.

MR. HAMER H. BUDGE,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. BUDGE: I am very much concerned over the recent proposal of the New York Stock Exchange for a substantial increase in brokerage commissions for the small investors to be offset by a corresponding reduction for the larger institutional buyers.

Just a few years ago the Exchange, supported by Government endorsement, launched a national campaign to encourage the low and middle income investors to buy securities and thereby become owners of a part of America. I heartily endorsed that program not only because it promoted and encouraged savings but also because it is a constructive step toward better citizenship when every individual has an interest in our capitalistic system.

The present proposal to raise the commission rates for the small investor from 60 per cent to over 100 per cent above present rates is a backward step. Already the small investor is being penalized in that by Government regulation he is only getting 5 per cent for investing in a seven-year Government bond whereas the larger investors get from 8 per cent to 9 per cent. Likewise the Federal Reserve and the Federal Deposit Insurance Corporation have authorized an average of 2 per cent variation in the interest that can be paid to the small depositors as compared to the large depositors. This discrimination against small investors with executive approval is highly discriminatory, and I express the hope that your Agency will not approve such a plan.

It should not be overlooked that the various exchanges have a virtual monopoly on the sale of these securities, and if they expect to maintain this monopoly they should recognize their responsibilities to the public and be willing to accept the obligation to protect and encourage the small investors.

Yours sincerely,

JOHN J. WILLIAMS.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, D.C., March 4, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your February 20, 1970, letter expressing concern over commission rate proposals submitted to the Commission on February 13 by the New York Stock Exchange. The proposals were a report prepared for the Exchange by National Economic Research Associates, Inc. ("NERA"). They have not been adopted by the Exchange and, as stated in an Exchange Membership Bulletin of February 19, the Exchange represents it will not act on these proposals before discussions with the Commission.

The Commission will most carefully analyze and review these proposals and the underlying data included in the NERA report. Indeed, our staff has advised us that considerably more data may be needed for this purpose.

Your concern that stock exchange commission rates not unfairly discriminate against the small investor is shared by the Commission. Small investors, as you observe, have been encouraged by the Exchange to buy securities and their transactions are an important part of the auction market. The problem is how best to assure that they have access to the exchange markets.

Excessive charges on small investors might discourage their participation. On the other hand, it has been suggested that there are economic factors which may work the other way. There has been no change in the commission rate level, aside from the volume discount instituted late in 1968, since 1958 and the change made then as to individual transactions was a modest one. Since then, costs in the securities business have risen considerably because of inflation, higher salaries and wages for clerical personnel and operations, and the cost of installing electronic data processing facilities. It is suggested that, as a result of this, it has become unprofitable for many firms to execute small transactions and that many firms consequently are attempting to discourage acceptance of small orders and to direct their capital and resources to large institutional business which is much more profitable. The major exchanges, consequently, appear to feel that an increase in the commission on small orders is necessary in order that their member firms may continue to be available to, and to properly serve, small investors, thus keeping the small investor in the auction market. It also has been suggested that commissions on large orders could in effect be used to subsidize commissions on small orders. Aside from any question of fairness this presents (and, as you know, most large investors are institutions representing aggregates of small investors), such subsidization is becoming less possible now because of the very substantial proportion of institutional business which is done by those firms which specialize in that business and do not handle small orders.

We will, of course, have to evaluate this whole subject carefully. You may be sure that the need to protect and encourage small investors will be given every consideration by the Commission in any resolution of the question.

Sincerely,

HAMER H. BUDGE,
Chairman.

PRAIRIE COMMONSENSE IS BEING APPLIED TO A POLLUTION PROBLEM

Mr. HRUSKA. Mr. President, the problem of pollution has become one of the most popular topics for discussion and action in the country today. We have ended several generations of neglect in a flood of activity, some productive and some unproductive. A great many personal, community, and industrial practices which have been accepted over the years are now found to be harmful.

I suppose it is normal in such circumstances to search for scapegoats. But, in some cases, this has resulted in unfair and uninformed criticism.

I have in mind, especially, the matter of runoff from cattle feedlots. There is no doubt that a problem does exist: Nebraska and many of her sister States have major cattle feeding operations to insure that high grades of meat in sufficient quantities are available to consumers throughout the country. These operations do produce waste products, and some of those wastes do find their way into waterways.

What is generally not appreciated, however, is that cattle feeders have been concerned with the matter long before it became a topic for wide public discussion. Operators were not only concerned; at their own initiative, they mounted efforts to reduce pollution from feedlots and turn the waste into useful products. They are continuing these efforts at an accelerated pace and I am confident that the problem can and will be solved. We could wish that all industries would show such initiative.

Mr. President, it is also a fact that the Agricultural Research Service of the Department of Agriculture has been increasingly involved over the past few years with research in this area of animal waste management. As the ranking minority member of the Agriculture Appropriations Subcommittee, I have given my close attention to this item and have vigorously sought adequate funding for such research. The subcommittee has cooperated fully, and especially its chairman, Senator SPESSARD HOLLAND of Florida. In fiscal 1969, the Congress made $536,800 available to ARS for studies in this area. In fiscal 1970, ARS used $774,200 for studies on livestock waste pollution, which was $113,000 more than appropriated by Congress. This was possible by redirecting other funds to this vital activity. Now for fiscal 1971, the ARS has proposed $1,452,200 for animal waste research, an increase of $678,000 over fiscal 1970.

These Federal research studies are being conducted primarily at Clay Center, Nebr.; Lincoln, Nebr.; Fort Collins, Colo.; and Beltsville, Md. At Clay Center, the ARS has the U.S. meat Animal Research Center. At Lincoln is located the State agricultural experiment station. In fiscal 1970, the total amount of Federal funds for animal waste research to be expended in Nebraska will be $185,400. If the new budget request is approved for fiscal 1971, the total amount for Nebraska will then be $350,400.

Eastern Nebraska is ideally suited as an outdoor laboratory to assess the pollution problem arising from animal feedlots in small watersheds. The research at Lincoln and Clay Center is providing us with valuable information, and the increasing intensity of this research should provide us with some lasting answers for remedy of any problems that may be developing due to feedlot wastes. Such research can supply the techniques to minimize these problems without disrupting the vital and growing livestock feeding industry.

Dr. George Irving of the Agricultural Research Service testified before the Senate Agriculture Appropriations Subcommittee last week on the research request in this area. Dr. Irving said at that time:

> We will need to intensify our research in all areas of animal waste management. This includes removing manure from animal quarters in the most expeditious and economic manner possible; deterring runoff; and developing better techniques for storing, transporting, treating, and ultimately disposing of these wastes. All of this must be accomplished with a minimum of disruption of production efficiency. The proposed increase of $678,000 would be used for these purposes.

I know that my colleagues on the Agriculture Appropriations Subcommittee, and in the Senate, will give close and thoughtful attention to this effort to prevent and control feedlot pollution before it becomes a problem, rather than waiting to remedy it afterward.

An enlightening discussion of the entire question is found in a paper entitled "The Feeders Viewpoint on Waste Control," by Mr. William Krejci, of Fairmont, Nebr. Mr. Krejci is a farmer-feeder, and chairman of the Nebraska Livestock Waste Control Advisory Committee. He is also chairman of the Government Affairs Committee of the Nebraska Livestock Feeders Association.

Mr. President, I ask unanimous consent that the text of Mr. Krejci's paper be printed in the RECORD.

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

THE FEEDER VIEWPOINT ON WASTE CONTROL

(By William Krejci, Fairmont, Nebr.)

I. HISTORY OF THE LIVESTOCK WASTE CONTROL ADVISORY COMMITTEE

After much discussion and concern about the need for a voice in the area of feedlot waste control, a group of various livestock and poultry men gathered on Aug. 29, 1967 and formed the "ad-hoc" group known as the "Livestock Waste Control Advisory Committee". It has proven to be a most valuable tool in working with the various governmental agencies that have been given the responsibility of carrying out the details of pollution control. Representatives on this committee include feeders of beef, sheep, swine, poultry, and dairy; plus representatives from the Nebraska Water Pollution Control Council and the University of Nebraska.

So far this group has had an excellent working relationship with all Governmental Agencies and we hope it will continue that way.

The advice of this committee has been accepted in many cases and as a result, toption has made an effort from the very beminister, have been avoided.

II. PAST ACTION TAKEN BY THE NEBRASKA LIVESTOCK FEEDERS ASSOCIATION

The Nebraska Livestock Feeders Association has made an effort from the very beginning to keep abreast of the feedlot waste situation. A Resolution passed in 1967 set the stage for a lot of their efforts.

"RESOLUTION NO. 7—WATER POLLUTION

"A somewhat emotional drive is underway to bring about the very rapid control of waste materials flowing into our rivers and streams. The Nebraska Livestock Feeders Association is in sympathy and offers its support to the objectives of this effort, however;

"Whereas much remains to be done in a way of educating the general public, including the feedlot owner and operator, as to the existing conditions, the overall problem and proposed solutions; without which knowledge many people might well react in an adverse or erroneous manner, and;

"Whereas much research needs to be completed before programs can be instigated, since little is known of overall effects of feedlot waste or means by which feedlot wastes can effectively and economically be handled, and;

"Whereas there is ample time under existing Federal-State agreements to work out these problems and solutions in an orderly manner, thereby assuring full effectiveness of the final program with adequate protection to the feedlot owner and operator;

It is therefore resolved that the Nebraska Livestock Feeders shall work diligently and continuously toward an equitable and effective solution of the feedlot waste problem, in full cooperation with the University of Nebraska and the appropriate State Officials. However, it is not reasonable nor wise to attempt to set down a final program in the immediate future, and accordingly we respectfully request of the Water Pollution Control Council a minimum of two years time for study, research, and education before reaching a final conclusion.

"It is further resolved that this Association shall work with all diligence toward a final program which must meet the approval of the Board of Directors or the membership, and as such should not impose undue restrictions, requirements, or excessive financial burdens upon the feedlot operator and/or owner. Any approved program should also insure the participation of actual feeder representatives on the state planning and governing boards or councils on water pollution."

The Nebraska Water Pollution Control Council did grant the feeders of Nebraska 2 years for research and study before any type of regulation would be imposed. Research was then pursued on all fronts.

In 1968 the following Resolution was passed:

"RESOLUTION NO. 1—WATER POLLUTION: REGULATORY AUTHORITY

"Whereas, various suggestions have been put forward as to what government agency should be the regulatory group for feedlot water pollution control in Nebraska, including proposals to form an entirely new agency for this purpose; however.

"Since the presently constituted Water Pollution Control council is equitably chosen, and is well versed in all activities in this area to date; be it then

"Resolved that the Nebraska Livestock Feeders Association is in favor of utilizing the Water Pollution Control Council as the regulatory agency for agricultural waste control."

Then the following year (1969) the following resolution was passed by the membership and as a result of this resolution we are trying to keep our membership informed on all fronts of the waste control problem.

"RESOLUTION NO. 8—WASTE CONTROL EDUCATION

"Whereas, there is considerable concern over the waste control problem from feedlots.

"Whereas, it is important that every livestock feeder be extremely aware of how he can help control feedlot waste runoff.

"Whereas, it is the desire of all livestock feeders to be good neighbors.

"Therefore be it resolved that the Nebraska Livestock Feeders Association engage in an informational program keeping the membership informed of all laws, regulations, and research that will affect each livestock feeder in his operation.

"Be it further resolved that every local livestock feeder association and its individual members should make every effort to stay informed on all aspects of waste control and each feeder should accept the responsibility for doing what he can to control waste runoff and strive to be a good neighbor."

III. THINGS THAT ARE DISTURBING TO THE NEBRASKA FEEDER

Many things have been in the news during the past couple of years that have been very disturbing to the livestock feeder. So far we have chosen to let everyone else talk, thinking maybe someday they would stop pointing their fingers at us. But, because it is hard for us to hide, the adverse publicity will keep coming our way.

Examples

(a) The Soap & Detergent Association—"Water in the News," October 1968: "Hollis R. Williams said that farm animals contribute more polluting wastes to waterways than people and that animals are a far more serious problem." Mr. Williams is Deputy Administrator for Watersheds, USDA. "The magnitude of the problem becomes apparent," he said, "when we realize that one cow will produce the fecal effluent equal to that of 16.4 people. We estimate that a feedlot handling 1,000 head of cattle would have the same waste disposal problem as a city of 16,400. A feedlot with 10,000 head equals a city of 164,000—and this size feedlot is not at all uncommon. Each pound of meat means up to 25 pounds of manure."

Why can't the Soap & Detergent people work on their own problem instead of trying to take the spotlight and turn it on us? Also, why do our USDA employees make such statements?

(b) Successful Farming—Dick Hanson, Editorial—"Up a Polluted Creek"—June 1968: "One Cow produces animal waste equal to the sewage of 16 persons. One feedlot of 10,000 head produces the same amount of waste as a city of 160,000 people. Iowa and Nebraska, for instance, feed nearly 3 million head of cattle a year. These cattle produce waste equivalent to that produced by 49 million people, or 11 times the human population of these two states."

(c) Omaha World Herald—RFD—"Feedlots Share Blame in Pollution of Streams": "In feedlot operations, we give little thought that the runoff carries a high quantity of nitrogen which breaks down into nitrates, which is turn have a deleterious effect upon water quality for domestic and industrial uses," Mr. Filipi said.

According to Mr. Filipi, "One steer contributes as much pollution as 20 people, or one thousand steers as much as 20 thousand people which represents a city the size of Fremont." T. A. Filipi is Director of Environmental Health Services, State Health Dept. of Nebraska.)

(d) "Feedlot"—June 1967—"Pollution Will Get You Nowhere": "Death in a massive, ugly slug of animal waste, slid down the Cottonwood river in east central Kansas last month . . . . The stench made a man want to flee across the smooth, grassy Flint hills until his eyes were filled with water and he had run out of breath. Then he could stop to gag . . . Feedlots are, undeniably, the major source of pollution and fish kills in Kansas." (A sports writer wrote this—No doubt an expert in water pollution.)

(e) "The Business Farmer"—Scottsbluff, Nebr.—July 15, 1967: "New Feedlot Guidelines are agreed. . . . The Scotts Bluff County Rural Zoning Board and the Scotts Bluff County Commissioner in a joint special meeting Tuesday night hammered out some guidelines for applicants seeking to set up new feedlots in the country. . . . Guidelines are as follows: Drainage is an important factor and excessive ponding of water must be avoided—Lots should be scraped at least once per year as part of the cleaning process."

(f) "CALF" California Association Livestock Feeders—February 1970: "California to Toughen Pollution Laws—A sweeping package of anti-pollution bills has been submitted to the California Assembly. Much of it concerns auto emissions, but there is one of the bills which could sound the death knell for some feedlots. It calls for up to $6,000 a day fines for non-vehicular air polluters. It is patterned after a similar bill to deal with persistent water polluters signed into law last year. No doubt the author of the bill has industrial offenders in mind, but with present pressure by officials in several counties to control feedlot dust the law could possibly be aimed at feedlots with poor dust control records."

(g) Last but not least—"Lincoln Evening Journal" by Ginger Rice—Friday, January 30, 1970 (Front page pictures and all): "Feedlot pollution of streams and rivers is a growing nationwide concern and the No. 1 problem in the Missouri Basin region, according to Carl Chloupek, area representative of the Federal Water Pollution Control Administration. All of this means that the degradation of the states waterways from these feedlot sources is a problem of major proportions. It will become even greater in the next decade as the outlook for increased productivity shapes up . . . Chloupek explains the problem in terms of "population equivalents." The pollution equivalent of cattle is 15, meaning that each head of cattle produces a pollution volume 15 times greater than that of one person."

IV. FACTS ABOUT POLLUTION—AS IT SHOULD BE TOLD

As I have related, the feeding industry is getting very tired of the pollution accusations that are being aimed at animal agriculture.

We intend to clear up some long overdue misinformation.

First of all we cannot argue that a 1000# steer will give off 15 to 16 times more solid waste than 1 human. But, let us remember that we are talking about *water pollution potential. All* of the human waste is flushed down the drain plus his dishwater, his bath water, his laundry water, his garbage, etc. A 1000# steer does not flush anything until we have at least a one inch rain. Most of his solid waste stays in the lot and is hauled to the field. Much of the liquid is lost to the atmosphere and he certainly does not take a bath, wash his clothes or wash his dishes.

With these thoughts in mind let us look at a few facts.

According to U.S. Dept. of Health, Education & Welfare Bulletin—"Manual of Septic-Tank Practice"—Public Health Service Publication No. 526—Reprinted 1969 page 44: The following facts on human wastes were found:

TABLE 8.—*Estimated distribution of sewage flows in gallons per day per person*

Type of waste:	Gallons per day
Kitchen wastes	10
Toilet wastes	25
Showers, washbasins, etc	25
Laundry wastes	15
Total wastes	75

Keep in mind this waste is derived from a one family dwelling and does not include the waste given off from family members when they are not at home.

For comparison with animals, data has been obtained from research done at the University of Nebraska Mead Field Laboratories. (Note—This data is preliminary and has not been published, but reflects 1½ years of study. More study is needed before it will be released in bulletin form.)

This area of the state has an average rainfall of 30 inches per year. By actual runoff data only 10 inches of this will leave the feedlot as runoff. Therefore, 10 inches per year runoff would equal 10 acre inches per year or 272,000 gallons per year per acre. There were 218, 1000# steers on that acre, or 3.41 gallons of waste runoff per animal per day.

Compare 3.41 gallons per steer per day to 75 gallons per human per day and we have a pollution ratio of 22 steers equal to one human. That is a bit different than has been quoted!!

If we compare the animal waste to human waste with these figures in mind, the 128,500 people in Lincoln, Nebr. would be equivalent to 2,827,000 head of cattle on feed. Twice as many as on feed in the entire state of Nebraska on January 1, 1970. (1,477,000 head on feed in Nebraska as of January 1, 1970 according to A. V. Nordquist, State Statistician.)

Someone will say that pollution is figured on Biochemical Oxygen Demand (BOD). We can figure the ratio by BOD and show that 1 human is equal to 100 steers as a pollution potential. At the Mead Field Laboratories, 1 acre inch of runoff contained 13.6 lbs. of BOD or 10 inches of runoff equals 136.8 lbs. of BOD per year for 218 head of cattle. The daily figure would be 0.00165 lbs. of BOD per day per steer. Municipal plants figure that they receive 0.17 lbs. BOD per capita per day from their human population. This is approximately 100 steers per 1 human on pounds of BOD per day ratio.

Now you can see why the feeder is disturbed when someone makes the statement that in the area of water pollution, 1 steer is as bad as 15 or 16 people. This is not true and it is time that this derogatory publicity is stopped.

V. SOME PROPOSED ANSWERS TO OUR PROBLEM

We must make one issue crystal clear—The Feeders of Nebr. are as interested in stopping the pollution of our environment as any other segment of society. We are doing everything possible to control the pollution of our air & streams, and we will continue to do so. The people can be assured of that.

The Feeders are not in favor of having permits to feed livestock and they have given some reasons why:

1. The Pollution problem from feedlots should be solved on an individual lot basis as problems arise. This can be done with the existing laws.

2. If permits were to be issued, every feedlot in Nebraska would have to be checked for compliance, whether it was a problem or not. Some 20,000 feedlots would take a tremendous staff, take a long time or both. Plus, it would be very costly to the taxpayer.

3. Research must prove many things before we impose costly regulations on the feeder. If we had permits we would also need definite criteria. This criteria is not available.

4. We feel that only about 5% to 10% of our Nebraska Feedlots are violating the pollution law. Therefore, why impose a permit system on the other 90% to 95%.

5. We must consider the general erosion of our soils and it's threat to pollution. Will we be asking all farmers to have a permit to farm?

With these facts in mind the Nebraska Livestock Feeders Association is proposing that a voluntary approach toward an *Approved Feedlot* be pursued. This means that a feeder, if he wishes, could ask the Water Pollution Control Council to issue him a certificate stating that he is operating an *Approved Feedyard*. This of course could be done after a thorough checking by the WPCC. It is felt that this concept would accomplish much more for pollution control and for future industry development in Nebraska than the mandatory permit concept.

The feeder plans to work with the County Extension Service and the Soil Conservation Service in planning his feedlots to stop any pollution potential that might exist. This cooperative venture is being perfected and the livestock feeders plan to see that it will work.

We have other possibilities on the horizon for our problem. Al Benton, a cattle feeder from Walnut, California gave a speech at the 1970 Stockmen's School in Phoenix entitled "Manure, A By-Product—Not a Waste!" Some excerpts from his talk:

"For Plant nutrition, manure is worth between $4.00 and $5.00 per ton. . . .

"It has very high nutritional value, probably $24.00 per ton feed-back to a ruminant. . . .

"Another is the production of Tortulia yeast. By a bacterial process we are able to take feedlot manure and process it, producing $140 a ton value, used primarily in the poultry industry, and have a by-product return of 15% which is mostly gypsum as the only waste product to be thrown away. . . .

"Another investigator in Colorado has devised a method to produce magots in a manure mass and separate them, dehydrate them to come up with a useful 62% protein product that's about 9% fat. . . .

"Others are making a lawn fertilizer out of their manure and selling the product for $20.00 per ton."

Maybe our problem will become an important asset to the Livestock Industry someday.

OIL CONFUSION

Mr. PROXMIRE. Mr. President, there appears to be some confusion as to what the chairman of the Cabinet Task Force on Oil Import Control, Secretary of Labor Shultz, actually said in his testimony before the Subcommittee on Antitrust and Monopoly. Therefore, I ask unanimous consent that the Secretary's prepared statement and his appendix be printed in the RECORD at the conclusion of my remarks.

I call particular attention to the questions and answers in his appendix. They put to rest some myths that the oil industry has been trying to perpetrate on the American public. They lay bare the fact that there is no national security justification for the present oil import program and show how much the program is costing the American consumer.

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

STATEMENT OF HON. GEORGE P. SHULTZ, SECRETARY OF LABOR AND CHAIRMAN, CABINET TASK FORCE ON OIL IMPORT CONTROL, BEFORE THE SUBCOMMITTEE ON ANTITRUST AND MONOPOLY, MARCH 3, 1970

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you in my designated capacity as Chairman of the President's Task Force on Oil Import Control. My function as I see it is to go through with you the main elements of the Report we have made to the President, of which I understand you each have copies. It should be understood that I do not and cannot speak for the President, who has reserved decision for the present on the recommendations of the Report. Nor will I undertake to explain the Separate Report, which begins on page 343. That should be done by its authors.

For the Subcommittee's convenience, I have prepared an appendix, which I would like to submit for the record at the close of my remarks. It is a collection of comments on some of the points and questions that have been frequently or commonly raised about the Task Force Report in the trade press and elsewhere. I hope that it may be of some help to this Subcommittee.

I have with me today our principal staff officers for the Task Force: Phillip Areeda, Executive Director; Roland Homet, Chief Counsel; and James McKie, Chief Economist. With the Subcommittee's indulgence, I may ask them on occasion to supplement the answers I make to your questions.

Let me say at the outset, Mr. Chairman, that our Task Force owes a debt of gratitude to this Subcommittee for the information developed in your comprehensive hearings begun last year. We studied closely the testimony presented to you both by independent economists and by the industry, and found many useful points of departure for our own inquiries. Two concrete examples are: *first*, the short-run supply schedules given you by Professor Henry Steele, reproduced in our Appendix D, on page 217; *second*, the actual f.o.b. prices for Persian Gulf crude oil calculated for you by the Petroleum Industry Research Foundation, which we have used in Tables L–1 and L–2 on pages 92 and 93. We adopted these figures because we found them persuasive after comparing them with information available to us from other sources. Of course, this Subcommittee has not completed its inquiries and has reached no conclusions. Therefore, the evidence we have developed and the conclusions we have reached should be regarded as entirely our own responsibility.

Turning now to the substance of our findings and recommendations, I should like to invite the Subcommittee's attention to the organization of our Report. Part I examines the purpose of oil import controls, and it creates the focus for the entire remainder of the Report. Section C on pages 7 and 8 sets forth what we understand to be the governing criteria, and they bear emphasizing. As you will see, paragraph 115 outlines the main objectives of import control established by the Congress. This is a national-security program we are dealing with, nothing else. The Congress could, of course, change that, you could establish other criteria, but the President alone could not and we on the Task Force could not. We take the governing statute as we find it. And we have tried constantly and consistently to keep our focus on the national security—not always an easy task.

This is an important point, because a lot of critics and commentators seem to miss it. Some people talk about our dependence on "foreign oil" under one or another policy. They imply that our choice is between 100% domestic self-sufficiency and outright dependence on the Middle East.

Nothing could be further from the truth. On the basis of most industry submissions, we calculate that oil imports at present domestic prices will have to supply about 27% of our requirements by 1980 unless there is an unforeseen breakthrough in the technology of producing oil from synthetic sources such as shale and coal. The present percentage is 19%, and just about everybody agrees that this will have to be increased. So the real question is not whether but how much and from where. Of course, if we had *no* import controls a large portion of our requirements—perhaps 20% of demand—would come from the low-cost and politically volatile Middle East, and I am not ready to say unequivocally that this would present no threat to our national security. However, the plan the Task Force proposes would draw the bulk of our imports from

Canada and other acceptably secure Western Hemisphere sources, and would strictly limit Eastern Hemisphere imports to a maximum of 10% of U.S. demand. That may be too strict, but it is almost certainly not too permissive; and it seems to me that debate on this subject should begin with and focus on that point.

Returning to paragraphs 115 and 116, you will see that the first statutory objective is "protecting (1) military and (2) essential civilian demand against (3) reasonably possible foreign supply interruptions that (4) could not be overcome by feasible replacement measures in an emergency." Each of these elements is analyzed in detail in Part II of the Report:

(1) *Incremental military demand* is assessed in paragraphs 209 and 223. On the basis of advice received from the Department of Defense, we conclude that even if there were a protracted conventional war (which is not considered likely) and even if the Department of Defense purchased all its requirements in the United States, the additions to demand would not be significant. We have included them in our projections of demand to be met in an emergency, as noted in paragraph 226.

(2) *Essential civilian demand* is also assessed in paragraphs 209 and 226. In addition, on the basis of advice received from the Office of Emergency Preparedness, we have concluded in paragraph 242 that in an emergency total U.S. domestic consumption could be reduced between 9% and 16% through tolerable rationing of automobile gasoline alone; we have adopted a 10% figure as a cautious estimate. The difficult question of consumption in allied and friendly countries is dealt with in several places throughout the Report: Paragraphs 111, 213, 239a, 251, 419, and 424. Here we have found ourselves without clear guidance from the Congress and have had to make our own policy decisions and recommendations. The judgments of the security agencies—the Departments of State and Defense and the Office of Emergency Preparedness—on which we have relied, have led us to conclude that the U.S. oil import program should be addressed in the first instance to protection of the national security in the direct sense, on the ground that 25 years after World War II the burdens of free-world security should be shared with our allies rather than borne exclusively by U.S. consumers. The Report strongly recommends that we should examine with our allies the measures that might be taken—such as increased emergency storage in Europe and Japan—to assure adequate supplies to them in the event of sustained curtailment of Eastern Hemisphere supplies.

(3) *The risks of foreign supply interruption* are assessed in Part II, Section C, paragraphs 209 through 225. Quantification of risks is a hazardous enterprise, and we have not attempted it. Rather, based on the advice of the security agencies—State, Defense, and OEP—we have sought to construct a qualitative analysis of both the likelihood and severity of various types of possible interruption. Our conclusion is that the most serious contingency is not military but political and arises out of Arab-Israel tensions in the Middle East and North Africa. Accordingly, we have focused our security analysis on a denial of all Arab supplies to all free-world markets, varying the model to include interruption of Iranian supplies as well and extending the crisis beyond one year to two and even three years.

I should emphasize that we do not expect a crisis to extend that far or that long. For comparison, the three-year crisis in the early 1950's concerned only one supplier, Iran, and was readily surmounted with supplies from other sources. The 1967 boycott by the Arab states extended to only three consuming countries and was over in a matter of days. The Suez closure in 1956 and 1967 was more troublesome, but it has largely been surmounted now by the construction of supertankers that travel around the southern tip of Africa; it is doubtful that the Suez Canal will ever recapture its former oil traffic. The trouble is that if we used a more limited and more realistic example—say, two or three of the more radical Arab states shutting down production for three months—it could serve as an invitation to create a longer and broader crisis in the hope of influencing U.S. policy towards the Middle East. Temperatures seem to be pretty high there right now. Hence, we have deliberately constructed a model exceeding in scope our expectations of the likely dimensions of any international supply interruption. It is summarized in Table K on page 65, to which I will return shortly.

(4) *Feasible replacement measures* consist in the first instance of (A) available domestic production and (B) secure-source imports, supplemented by (C) emergency additions to supply.

(4A) *Domestic production* is laboriously built up in Appendix D, starting on page 215, from government and industry submissions and our own investigations. The estimates for 1975 and 1980 at various domestic prices are summarized in paragraph 228 and in Table C on page 41, a copy of which is included with the exhibits at the close of this statement. I should emphasize that the domestic price levels—$3.30 per barrel, $3.00, $2.50, and $2.00—are illustrative of various levels of import controls: the present controls, moderately relaxed and then substantially liberalized controls, and finally no controls. We express these variations in terms of price levels for convenience of exposition and because it is price that operates as an incentive for exploration and development. The results are shown in line 2 of Table C. As you will see, production *increases* in all cases between now and 1975, and there is relatively little difference in the production forthcoming at high, moderate, and no controls by that date. This is because abandonment of controls would make pointless the present "market demand prorationing" restraints on efficient production; the excess capacity thus released for production would in the short term more than offset the decline in high-cost "stripper well" production. The significant effects of relaxing or removing import controls would be felt by 1980: a 4.0 million barrels per day (MMb/d) production decline in the "2.00 case" and a 2.5 MMb/d decline in the "2.50 case;" the decline would be only 1.0 MMb/d in the "3.00 case", as shown in paragraph 228c.

(4B) *Imports* as a percentage of demand are shown in line 4 of Table C. As I stated previously, the policy question is not whether we shall import oil but rather how much and from where. The sources of imports under various policies are assessed in paragraphs 234 through 237, summarized in the D-series tables on pages 48 and 49. The import volumes coming from different sources are, of course, more subject to management by way of preference arrangements if import controls are retained than if they are abandoned. Table D–1 indicates that in the $2.50 case we could if we chose draw more than enough imports from the Western Hemisphere to satisfy all our 1980 import requirements and take no oil whatsoever from the Eastern Hemisphere. Table D–3, entry No. 2, shows a more likely distribution of imports, with Eastern Hemisphere sources still supplying less than 10% of our requirements. I will draw on these two tables, also reproduced as exhibits at the close of this statement, in a little more detail in a moment.

(4C) *Emergency supply additions* are assessed in Part II, Section E, paragraphs 238 through 247. It is here that we look at inventories, excess capacity and emergency production increases. Our conclusions on the volumes of oil that could be obtained from these sources are themselves subjected to a sensitivity analysis in paragraph 252a. We also look at certain pre-crisis investments that could be made to increase domestic emergency supplies—through conventional and underground storage, production from synthetics, and the creation of strategic reserves. Estimated costs appear to compare favorably with the costs of the present oil import control program, as shown in Table E on page 56. But further study is needed and is recommended in the Report; we have included no supplies from these sources in our security model.

Turning then to the Tables starting on page 61, two of which have been reproduced as Exhibits, let me invite your attention first to Table H—a one-year interruption of all Arab oil supplies in 1980 at an assumed U.S. wellhead price of $2.50. The first line shows demand and for the U.S. is taken from Table D–3. It includes internal Puerto Rican demand, bonded fuels, and offshore military procurement. It also includes expanded U.S. oil consumption at the lower-than-present domestic price, as explained in paragraph 226. The Canadian demand figure is that of its National Energy Board, while other demand figures are derived from the average of government and industry submissions to the Task Force.

The next line is production, and for the U.S., as I have said, is laboriously built up in Appendix D and summarized in Table C. Eleven million barrels a day is what we expect in 1980 at the $2.50 price. Canadian production is drawn from paragraph 235—based in turn on estimates and detailed technical presentations by the National Energy Board and the Alberta Oil and Gas Conservation Board. Line 3 of Table H shows that we forecast 3 million barrels a day to be supplied by Canada to the U.S. and an additional 1.5 million barrels a day to be kept by Canada for its own internal use. Western Hemisphere production is taken from paragraph 236 and Table D–3, and assumes that the U.S. grants a partial preference to oil from that source. The Eastern Hemisphere is treated as a residual supply source, and the division between Arab and non-Arab shipments is assumed to continue roughly as at present. Thus, we get line 5 of Table H, which is the gross deficit produced by an all-Arab supply interruption after 6 months and after 1 year.

The remaining lines of Table H show the effect of replacement measures: excess capacity, inventories, emergency production increases, and rationing. The figures for this purpose are taken from paragraphs 239 through 242. They show that if pre-crisis trade flows from uninterrupted sources were to continue without diversion, the Western Hemisphere could survive comfortably without any rationing whereas the rest of the free world would be beyond relief even with tolerable (10%) rationing throughout the free world.

Of course, it is inconceivable that we would build up our own inventories and continue Sunday driving while Europe froze. We must allow for expectable diversion from surplus free-world areas to those in deficit. We must also examine for our own policy purposes the effect of variations in U.S. import controls. This is what is done in Table K, and I now invite you to turn to that Table.

This is a complicated table, and I will

ask you to focus on just one column, column (7) about two-thirds of the way across the top. You see that it says "United States and Canada after diversion." We consider the two countries together because of the existence of an integrated transportation network and the likelihood that we would consult closely together during a future crisis as we have in the past. Now column (7) says "No E.H. or O.W.H." That is shorthand for the extreme assumption that North America would receive no oil whatsoever from either the Eastern Hemisphere or Latin America—all of it being diverted to Europe and Japan. Even in this case, which presumably would not happen without our consent if we give any trade preference at all to Latin America, the U.S. and Canada together would be able to satisfy 92% of their demand without rationing and more than 100% with rationing—in the so-called $2.50 case.

This then is the basic analysis that leads the Task Force to conclude that some liberalization of import controls would be consistent with the national security. I would be glad to answer any questions you may have about Table K or other parts of the analysis at the close of my remarks. I apologize for the detail to which I have subjected you, but this is central to our investigation, and it has never been thoroughly analyzed before.

At this point, I should like to return to paragraph 115, on page 8 of the Report. Subparagraph b sets forth the other main import-control objective established by the governing statute; namely that of preventing a weakening of the national economy that would *itself* impair the national security. If I may, I should like to stress the word "national." The Congress did not ask the President to impose import controls to protect a particular industry or a particular region of the country. Of course, oil production can be found in thirty-one of our fifty states, and there is no question that in some localities the production is pretty marginal. The Report assesses the impact of relaxed import controls on such production, on employment, on profits and investment, and on our balance of payments in paragraphs 228 through 232. From a national point of view, it is our conclusion that the effects on the economy of a substantial relaxation of import controls would not be severe. Indeed, relaxed import controls would inure to the *benefit* of the national economy—by redirecting labor and capital to more efficient uses. We estimate the efficiency costs of the present program at between $1.5 and $2.0 billion each year. At a time when we are worried about inflation, I believe that we should not incur such costs without convincing justification.

It should perhaps be noted again in this connection that in the so-called "$2.50 case" the Report estimates *undiminished* additions to crude oil reserves, and *increased* production, between now and 1980. That is because the release of reserve capacity from inefficient market-demand prorationing as practiced by the leading producing states would more than offset the decline in marginal stripper-well production and would stimulate exploration for efficiently producible reservoirs. The initial flow rates for wells thus far tested on the Alaskan North Slope are, for example, many times greater than the average for nonstripper wells in the rest of the United States. If present import controls are continued without change, there is a possibility that those wells will be prorationed by Alaskan authorities to market demand. That would, in my judgment, detract from both the national economy and the national security.

Coming back finally to paragraph 116 of the Report, we note there some additional considerations that were canvassed in this Subcommittee's hearings of last year. Once we establish that there is a case for protection of the national security, what sort of program should be adopted? Our analysis of this question is developed at considerable length in Part III of the Report, with the conclusions stated in Part IV.

First, a majority of the Task Force found that the present oil import system does not reflect national security needs, present or future, and "is no longer acceptable." Its 12.2% limitation on imports into the bulk of the country is based on the mid-1950's level and has no current justification. The present system treats imports from secure sources in a variety of inconsistent ways. Besides costing consumers an estimated $5 billion each year ($8.4 billion per year by 1980), the quotas have caused inefficiencies in the market place, have led to undue government intervention, and are riddled with exceptions unrelated to the national security. Consumer prices for the whole country are, under the quota system, established largely as a result of limitations on oil production by one or two state bodies.

To replace the present method and level of import restrictions, the report recommends phased-in adoption of a preferential tariff system that would draw the bulk of future imports from secure Western Hemisphere sources. A ceiling would be placed on imports from the Eastern Hemisphere. These would not be allowed to exceed 10 per cent of United States demand.

The tariff system would restore a measure of market competition to the domestic industry and get the government, after a three-to-five year transition period, out of the unsatisfactory business of allocating highly valuable import rights among industry claimants. Tariffs also would eliminate the rigid price structure maintained by the present import quotas. They would establish Federal rather than State control over this national security program with its important international implications.

An initial tariff level of $1.45 per barrel of crude oil (higher on products) would be established for imports from the Eastern Hemisphere. Further liberalization towards an equilibrium tariff level would be implemented (after further study) by the new management system proposed in the report—whose creation has already been announced by the President. Consumers and the public treasury would divide the savings thus created.

There are several other important features of the majority recommendations—concerning tariff preferences, the phasing out of special quota privileges, the treatment of products and residual fuel oil and petrochemical feedstocks, and the mechanics of the proposed Eastern Hemisphere security adjustment—which are summarized on pages 134 through 139 of the Report. In the interest of brevity I will not undertake to recapitulate that summary.

For myself, I would close by saying as I did in the Report that I personally am persuaded on the basis of presently available evidence that an equilibrium tariff objective of approximately $1.00 per barrel should be established now. It would not be reached for three or five years, depending on the transition period chosen, and the planning schedule could be altered by the management system if called for by countervailing evidence coming to light during that period. There is some uncertainty in our forward estimates now, but there always will be, and judgments still have to be made. My own judgment is that the national security—the only authorized basis for oil import restrictions—will be adequately protected by such a move. Believing that, I also believe it is fairer to the industry and to all affected interests if the objective is charted now.

TABLE C.—U.S. CONSUMPTION, PRODUCTION, AND IMPORTS, 1975 AND 1980[1]

[Millions of barrels per day]

	1968	1975			1980		
Real price per barrel[2]	$3.30	$2.50	$2.99	$3.30	$2.50	$2.00
1. U.S. consumption[3]	13.1	16.1	16.3	16.4	18.6	19.0	19.3
2. U.S. production[4]	10.6	12.4	11.6	11.2	13.5	11.0	9.5
3. Imports	2.5	3.7	4.7	5.2	5.1	8.0	9.8
4. Imports as a percentage of consumption	19	23	29	32	27	42	51

[1] 1968 figures are from Bureau of Mines data; imports are computed on an OIA basis, 1975 and 1980 figures are taken from app. D; these accord generally with submissions to the task force.

[2] $3.30 is the present south Louisiana wellhead price for crude of 30 degree gravity. $2 is the approximate wellhead price that would prevail in 1980 if import controls were soon eliminated. "Real price" is computed in constant dollars.

[3] Includes exports, residual fuel oil and petrochemical feedstocks. Elasticity of demand at lower prices is assumed to be as stated above. Puerto Rican internal demand, military offshore demand, and bonded fuels are not included. These are assumed to be 0.6 million barrels per day in 1975 and 0.7 million barrels per day in 1980.

[4] Includes natural gas liquids of 1.6 in 1975 and 1980. Depending upon the length and nature of transition arrangements, U.S. production in 1975 could vary somewhat from the figures shown at the lower prices.

TABLE D-1.—SOURCES OF U.S. IMPORTS IN 1968, 1975, 1980[1]

[Millions of barrels per day]

	1968	1975			1980		
Real U.S. wellhead price per barrel[2]	$3.30	$2.50	$2.00	$3.30	$2.50	$2.00
Total U.S. imports[3]	2.5	3.7	4.7	5.2	5.1	8.0	9.8
Source of imports:[4]							
Canada[5]	0.5	2.3	2.0	1.8	5.0+	3.0	1.5
Latin America[6]	1.5	3.9	3.0	2.4	5.1+	5.1+	3.5
Eastern Hemisphere[7]	0.5	0	0	1.7	0	0	4.8
Arab				(1.1)			(3.6)
Non-Arab				(0.6)			(1.2)

[1] Order of magnitude only; includes residual as well as crude.

[2] See table C, note 2.

[3] From table C.

[4] Each entry shows the maximum available from Western Hemisphere sources at that price without import restrictions. Because the Western Hemisphere imports if unrestricted at the $3.30 and $2.50 prices would be greater than the U.S. deficit, some restrictions on Western Hemisphere access or limited entry for Eastern Hemisphere imports would be necessary.

[5] 1975 figures represent maximum probable imports if Canadian oil were given free access immediately.

[6] Assumes Venezuelan exports to other areas would be diverted to the United States at prices above the world level. Import levels at the $2 price are only approximate.

[7] Assumes that Eastern Hemisphere oil is the residuum in the U.S. petroleum balance. If we permitted the Eastern Hemisphere to supply up to 10 percent of normal inland consumption these numbers could be as high as 1.6 in 1975 and 1.9 in 1980.

TABLE D-3.—WORLD DEMAND AND PRODUCTION 1980

[In millions of barrels—Production: Read down; consumption (including source of imports): Read across]

	Western Hemisphere			Eastern Hemisphere			
	United States	Canada	Other Western Hemisphere	Arab	Free non-Arab	Soviet bloc net exports	Total demand
1. $3.30 U.S. price:							
United States	13.5	2.6	2.7	0.4	0.1	(1)	19.3
Canada	(1)	1.5	.4	.1	(1)	(1)	2.0
Other	(1)	(1)	5.1	26.4	6.6	0.8	38.9
Total production	13.5	4.1	8.2	26.9	6.7	.8	60.2
2. $2.50 U.S. price:							
United States	11.0	3.0	3.8	1.4	.5	(1)	19.7
Canada	(1)	1.5	.4	.1	(1)	(1)	2.0
Other	(1)	(1)	4.0	27.4	6.7	0.8	38.9
Total production	11.0	4.5	8.2	28.9	7.2	.8	60.6
3. $2 U.S. price:							
United States	9.5	1.5	3.7	4.0	1.3	(1)	20.0
Canada	(1)	2.0	(1)	(1)	(1)	(1)	2.0
Other	(1)	(1)	4.5	26.9	6.7	.8	38.9
Total production	9.5	3.5	8.2	30.9	8.0	.8	60.9

[1] Minimal.

TABLE H.—AVERAGE SUPPLY BALANCES DURING 6-MONTH AND 1-YEAR INTERRUPTIONS OF ALL ARAB OIL SUPPLIES IN 1980

[U.S. wellhead price $2.50/bbl. millions of barrels per day.]

	United States alone		United States and Canada		Western Hemisphere		Free world	
	After 6 months	1 year	6 months	1 year	6 months	1 year	6 months	1 year
Demand	−19.7	−19.7	−21.7	−21.7	−26.1	−26.1	−58.8	−58.8
Less:								
U.S. production	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Canadian production	3.0	3.0	4.5	4.5	4.5	4.5	4.5	4.5
Western Hemisphere production	3.8	3.8	4.2	4.2	7.9	7.9	8.2	8.2
Non-Arab Eastern Hemisphere production	.5	.5	.5	.5	.7	.7	7.2	7.2
Gross deficit	−1.4	−1.4	−1.5	−1.5	−2.0	−2.0	−27.9	−27.9
Less:								
Excess capacity:								
United States	.8	.8	.8	.8	.8	.8	.8	.8
Canada	.2	.2	.2	.2	.2	.2	.2	.2
Western Hemisphere	.6	.6	.6	.6	1.2	1.2	1.2	1.2
Non-Arab Eastern Hemisphere	.1	.1	.1	.1	.1	.1	.1	1.1
Inventories:								
United States	4.9	2.4	4.9	2.4	4.9	2.4	4.9	2.4
Canada			.5	.2	.5	.1	.5	.2
Western Hemisphere					1.1	.5	1.1	.5
Remaining Free World							8.1	4.0
Emergency production increases:								
United States	.3	.6	.3	.6	.3	.6	.3	.6
Canada	.1	2	1	2	1	2	1	.2
Western Hemisphere	.1	.3	.2	.3	.3	.6	.3	.6
Non-Arab Eastern Hemisphere	(1)	.1	(1)	.1	(1)	.1	.7	.7
Net deficit	+5.7	+3.9	+6.2	+4.0	+7.5	+4.9	−8.9	−15.4
10 percent rationing							(+5.9)	(+5.9)

[1] Minimal.

TABLE K.—AVERAGE NET DEFICITS/SURPLUSES RESULTING FROM A 1-YEAR SUPPLY INTERRUPTION IN 1980

[Percent of precrisis demand in millions of barrels]

	Price per barrel	United States	United States and Canada	Western Hemisphere	Eastern Hemisphere	Free World	United States and Canada after diversions			E.H. after diversions		
							No E.H. and some O.W.H.	No E.H. or O.W.H.	No E.H.	All E.H. and some O.W.H.	All E.H. and O.W.H.	All E.H.
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(6a)	(7a)	(8a)
All Arabs out	$3.30	123.0 (+4.4)	123.0 (+4.8)	124.0 (+6.2)	40.0 (1-19.5)	77.0 (−13.3)	122.0 (+4.6)	104.0 (+.9)	131.0 (+6.5)	41.0 (−19.4)	57.0 (−14.2)	38.0 (−20.3)
	2.50	120.0 (+3.9)	118.0 (+4.0)	119.0 +(4.9)	38.0 (−20.3)	74.0 (−15.4)	112.0 (+2.6)	92.0 (−1.8)	118.0 (+3.8)	41.0 (−19.4)	58.0 (−13.6)	40.0 (−19.7)
	2.00	107.0 (+1.4)	107.0 (+1.5)	109.0 (+2.4)	40.0 (−19.7)	71.0 (−17.3)	96.0 (−.8)	79.0 (−4.7)	104.0 (+.9)	46.0 (−17.8)	61.0 (−12.6)	43.0 (−18.7)
All Arabs and Iran out	3.30	122.0 (+4.3)	122.0 (+4.7)	124.0 (+6.1)	26.0 (−23.9)	69.0 (−17.8)	122.0 (+4.6)	104.0 (+.9)	131.0 (+6.5)	26.0 (−23.9)	42.0 (−18.7)	23.0 (−24.8)
	2.50	117.0 (+3.4)	116.0 (+3.5)	116.0 (+4.3)	24.0 (−24.6)	65.0 (−20.3)	112.0 (+2.6)	92.0 (−1.8)	118.0 (+3.8)	25.0 (−24.3)	43.0 (−18.5)	24.0 (−24.6)
	2.00	103.0 (+.5)	103.0 (+.6)	105.0 (+1.3)	25.0 (−24.1)	61.0 (−22.8)	96.0 (−.8)	79.0 (−4.7)	104.0 (+.9)	28.0 (−23.3)	44.0 (−18.1)	25.0 (−24.2)
Libya out	3.30	125.0 (+4.8)	125.0 (+5.3)	126.0 (+6.7)	123.0 (+7.9)	124.0 (+14.6)						
	2.50	126.0 (+5.2)	124.0 (+5.3)	126.0 (+6.7)	122.0 (+7.7)	124.0 (+14.4)						
	2.00	126.0 (+5.1)	124.0 (+5.2)	124.0 (+6.4)	123.0 (+8.0)	124.0 (+14.4)						
10-percent rationing		(+2.0)	(+2.2)	(+2.6)	(+3.3)	(+5.9)	(+2.2)	(+2.2)	(+2.2)	(+3.3)	(+3.3)	(+3.3)

APPENDIX—OBSERVATIONS ON SOME POINTS AND QUESTIONS RAISED ABOUT THE TASK FORCE REPORT

1. "The Report recommends price-fixing."

Observation: The Report does not recommend fixing the price of oil. Obviously, the level of the tariff would determine the general price environment, and in order to predict the effect on a tariff on production and new additions to reserves one must know generally the price levels which would result. It is for this *analytical* purpose that the Report speaks of the "$3.00 case" and "the $2.50 case"; they are not and cannot be precise price objectives (see paras. 402, 424(1)). Obviously, the number of factors influencing the price of oil—including costs and foreign tax policies—are such that precise predic-

tion of future prices, even if thought desirable, would be impossible. (Appendix D, para. 3). The fact is that the present program in combination with the activities of state regulatory commissions has gone much further in fixing prices. With the exception of last year's price increase, it has virtually pegged the price of crude oil. By permitting price competition, adoption of tariffs would be a move away from rather than towards price fixing. (See paras. 323–325.)

The domestic price environment is relevant primarily to the *quantities* of oil available in the U.S. Will domestic production be large enough to total somewhere near the desired percentage of demand? Will reserve capacity in secure sources be sufficient to fulfill its assigned role in an emergency? Will sufficient supplies be available from the Western Hemisphere to meet Western Hemisphere demand, or some desired percentage of it? Will domestic production and capacity suffer a disastrous decline or stay about where they are? What supplies will be forthcoming from the Arctic? These are the important questions, and some deviations in each variable from its target value is not especially significant in itself.

What the Task Force plan would do is to give the domestic industry a $1.45 tariff shield (at first) against the Middle East—$1.25 against Latin America—integrate the Canadian industry with the U.S., and then leave the industry to make its own adaptations. We think that the result will be adequate protection of the nation's security, and a high enough price and large enough domestic output to maintain a large and thriving domestic industry—probably a "healthier" one than now. But the report does not seek to fix the price at $3.00 or $2.50 or any particular price. The price might be somewhat higher or lower depending on competitive forces and other factors. The managers of the oil import program would be expected to monitor these changes, but not to adjust the level of restrictions without substantial cause (para. 303).

2. "Adoption of a tariff system would be a foot in the door for federal regulation of the oil industry."

Observation: The assertion appears to be based on the assumption that the tariff system proposed by the Task Force would be "fine tuned" to regulate the level of imports with a degree of strictness comparable to the quota system. The Report's recommendations do not seek such detailed control; the recommended tariff levels are only an approximation of price levels at which we believe the domestic industry would be able to remain vigorous and competitive with imported oil.

Insofar as the assertion relates to the Report's proposal for vastly improved data collection (para. 345b), it should be remembered that government intervention has been solicited by the industry as necessary to sustain domestic prices at a level significantly above the competitive world price. If the industry is to receive such treatment for the benefit of the nation, it would be irresponsible for government not to obtain whatever information it needs to assure that the burden imposed on consumers is no greater than necessary.

3. "The Task Force proposal is too complex to administer."

Observation: Actually most of the complexities are associated with the transition, and they are really defects of the old (quota) system. The new tariff system, once fully in effect, should be administratively a good deal simpler. All the Task Force proposal would do is set a tariff of $1.35+10.5 cents, with a possible step-down of 45 cents after a short time, and a 20 cent preference for Venezuela, and a 10 percent limit on East Hemisphere imports. After an energy agreement with Canada and possibly Mexico is negotiated, the system should practically run itself. (I assume a product differential would soon be fixed at a reliable level, and thereafter left alone.) Further study is called for from time to time, but a complex study does not necesarily entail administrative complexities.

The transitional complexity is a function of the numerous inconsistencies and "special deals" generated by the present program (see paras. 117–130), and could be avoided by an abrupt shift to the new tariff system. However, the Task Force considered that a gradual withdrawal of special arrangements would produce fewer dislocations.

4. "Would a tariff system induce exporting countries to raise taxes?"

Observation: The international oil consultant, Mr. Walter Levy has asserted (Wall Street Journal, 1/12/70) that a switch to a tariff system by the U.S. could "trigger" a world-wide rise in crude oil prices of perhaps 50 cents to $1.00 per barrel, as the governments of producing countries would react to higher U.S. taxes (i.e. tariffs) by increasing their own.

Mr. Levy's conclusion seems to have been based on a misconception of what the Report (not released until 2/20/70) would recommend; namely, that the U.S. tariff would decrease as the "world" price went up. (Compare para. 337.) Without such a compensatory tariff change, a rise in the world price would either (a) price out of the U.S. market the oil from countries joining in the price increase, or (b) cause the U.S. price to rise with it, restoring or even increasing the present price and encouraging U.S. poduction. Both of these, especially (a), could cause subsequent price-cutting to break out.

As for the effectiveness of the producing-country cartel, it is perhaps unnecessary to recapitulate the evidence on the success of OPEC in the past. The world price has steadily fallen, not risen, and if the OPEC countries could effectively cooperate to raise prices (in Europe), why haven't they done it before? A dramatic event like the imposition of a U.S. tariff might provoke a dramatic response, but sustaining it is something else again.

Actually, from the producing countries' point of view, they do not stand to lose from a tariff system. The royalties and taxes they receive will be the same, and sale of their oil to the U.S. will somewhat increase. The only change is that profits previously taken by U.S. importers will inure to the benefit of the U.S. Treasury. Venezuela might, of course, raise prices to mop up a differential rent if given the opportunity. This is not what Levy was talking about.

5. "Why should the federal government interfere with state conservation controls?"

Observation: The proposed program would in no way interfere with state regulation designed to avoid physical waste. This important function, covering such matters as well spacing and the flaring of natural gas, would remain in state hands. Only regulation designed to increase or maintain prices would be inhibited. (See para. 325.)

The importance of market-demand prorationing may be declining for Texas and Louisiana, but continuation of quotas rather than adoption of tariffs would create a strong incentive for Alaska to adopt market-demand prorationing. One of the important benefits of a tariff would be to insure that state regulation in Alaska is not used to maintain the price of oil artificially through market restrictions.

6. "Reducing oil prices will aggregate an already crtiical impending shortage of gas."

Observation: Projections of demand and supply at current prices do show increasing deficits after the mid-1970's. The reluctance of the Chairman of the Federal Power Commission to see this problem aggravated in any degree is understandable. Nevertheless, the following should be borne in mind:

(a) In the short run, the adoption of the tariff system proposed by the Task Force would increase natural gas supplies by encouraging the elimination of market-demand prorationing that currently limits gas output in Texas and Louisiana (para. 207e).

(b) In the longer run, the Task Force was guided by the policy views subscribed to by the Commissioners of the Federal Power Commission as a body last August:

"We do not mean to suggest that possible changes in the oil import program are the major determinants of natural gas supply . . . Although the total level of domestic exploration for petroleum affects the exploration for natural gas, we believe that domestic gas supplies for the Nation's economy will depend at least as much on demand, tax incentives and gas prices allowed by the Commission itself as on the oil import control program."

(c) Over the longer run, again, it is likely that in a few years ways will be found to transport to the "lower 48" the large new supplies of natural gas being developed in the Alaskan and Canadian Arctic. The technology of transporting liquefied natural gas (LNG) will in all probability experience cost-reducing advances during the same period.

(d) Domestic gas supply can itself be stimulated by increasing authorized wellhead prices. The Report, relying on estimates furnished by the Federal Power Commission staff, suggests that any potential decline in the supply of natural gas caused by a reduction in the price of oil could be offset by a price increase at the very maximum of 2.5 to 5 cents per Mcf of gas. This is equal to a 5 to 10 percent increase in the current average price to consumers.

(e) A higher price for natural gas would (1) stimulate "directional" exploration for natural gas, (2) eliminate the present artificial incentive for intrastate use, and (3) reduce demand growth and eliminate some low-priority uses. In the gas-producing states at present, for example, natural gas is frequently used as a boiler fuel. Economical substitutes such as desulphurized fuel oil should become available with a rise in natural gas prices, thus permitting a diversion in the uses of natural gas to higher-priority markets.

(f) Artificially low natural gas prices are not a justification for artificially high crude oil prices—particularly given the regional distortions in the present distribution of these benefits and burdens. Table II of Chairman Nassikas' appendix (pages 373–74) shows that three gas-producing states—Texas, California, and Louisiana—receive more than 40% of the benefit the present low-gas-price subsidy, while consumers in the six-state New England region enjoy about 1% of the benefit.

7. "Oil industry profits are too slim to accommodate any decline in domestic crude oil prices."

Observation: Costs rise to meet price. That is, at present, quota-inflated prices producers are willing (a) to invest in marginal properties and (b) to pay "rents"—royalties lease bonuses, and taxes—that will leave them a rate of return equivalent to that obtainable from investments in other sectors of the economy. In the short run, a decline in prices will squeeze the profits of those who have made marginal investments and contracted to pay high rents. But the volume of production that will actually close down is very small as proportion of the whole (Appendix D). And in the longer run, less inflated prices will deter marginal investments and bring about a squeeze on rents rather than profits. The industry will be just as profitable as ever, but leaner and more competitive. The economy will benefit by ceasing to produce the small fraction of total domestic oil that now comes from the highest-cost marginal sources. Investments in this very expensive oil could be used much more productively in other sectors of the economy.

8. "Consumers have benefited from stable domestic oil prices during the life of the present quota system."

Observation: It is true that U.S. crude and product prices have not risen much during the last decade, although they did jump $.20 per barrel last year. The main point is that crude prices have *fallen* dramatically abroad and U.S. product prices would have presumably followed that trend if import controls had been relaxed. (See para. 207, Table A–1 on p. 26, Appendix G).

9. "A tariff system will adversely affect the position of small independent refiners, particularly those located "inland and dependent on supplies from marginal independent producers."

Observation: Changes induced by a shift in the method of import control would not wipe out the independent segment of the industry; indeed, they should strengthen it. In Europe, where there have been no import restrictions, the past decade has witnessed a remarkable growth in the number of independent refiners and marketers at the expense of the integrated internationals.

The information submitted to the Task Force indicates at least three respects in which the existing program actually tends to cause or increase dependence of independent refiners or refiner marketers on integrated companies: (1) the quota program denies independents the option of importing crude by payment of a uniform tariff as an alternative to purchasing domestic crude from an integrated company; (2) the sliding scale has encouraged agreements whereby small refiners take most or all of their crude from an integrated company to which they sell most or all of their output—thus making the small refiner wholly dependent on the integrated company; and (3) the output of such independent refiners is not available to independent marketers and refiner-marketers which must depend on integrated companies for product purchases. A shift to tariffs would eliminate all three of these features.

There is in fact no reason why small inland refiners should suffer any comparative disadvantage upon adoption of a tariff system, except insofar as they lose the subsidy they now receive under the "sliding scale" method of quota allocation. Any other benefits which they enjoy under the quota system will be denied their competitors as well as themselves. To be sure, proponents of this position allege that the structure of the industry is anti-competitive in a way that operates to the detriment of independent refiners generally. To the extent that this may be so, it is not attributable to import restrictions and should be addressed separately (para. 314c, n. 25). As for the sliding scale itself, it is not required for protection of the national security and should be phased out (see para. 314c, 428).

Statistics submitted to the Task Force on behalf of small refiners allege a continuing downward trend in the number of independent refiners—and not only of small ones. This trend began before import restrictions were imposed and has continued since then, despite the sliding scale subsidy that dates from the inception of the existing program. Withdrawal of the subsidy will obviously be detrimental to any firm that has benefited from it, but independent refiners efficient enough to survive without a subsidy should receive an offsetting benefit through reduced costs for crude oil and reduced dependence on integrated companies for their crude oil supply.

Benefits available to all small businesses under applicable legislation, such as set-aside DOD procurement, would still be available to qualifying small refiners. It should be noted that the sliding scale itself was *not* designed to and has not operated to benefit "small businesses" as defined by applicable legislation and regulations. (See para. 314c of the Report). Special aids to small business refiners cannot be justified on grounds of national security and if warranted on other grounds should be authorized by the Congress.

10. "The Alaskan North Slope oil discovery, which would not have been made in the absence of the quota system, will be less actively developed if domestic crude oil prices are allowed to decline."

Observation: It is impossible to say whether the discovery would or would not have been made in the absence of import controls. Intensive exploration is now being carried on in the Canadian Arctic despite the absence of any assured market above world price levels for oil from that region (see para. 235).

As for the pace of development of North Slope oil, two factors should be noted: (a) The present operators have incurred huge "sunk" costs for lease bonuses ($900 million) and exploration outlays, and have reportedly committed another $900 million to construction of the Prudhoe Bay-Valdez pipeline; their obvious interest lies in maximizing development of the acreage thus far acquired. (b) On future acreage yet to be auctioned by the State of Alaska, an oil price decline will be reflected in diminished bids for lease bonuses; the record bids made last September (when the operators knew that the whole import control program was undergoing comprehensive review) indicate that there is a great deal of room for shrinkage in these "rents." Of course, the State of Alaska could decline to open new acreage up for bidding if it thought the lease and royalty revenues obtainable in a lowered price environment were inadequate. But estimated wellhead costs of North Slope oil are so low that this is unlikely to be the case even at world prices. (See Appendix D, para. 9a.) And the Task Force Report recommends nothing like so drastic a price reduction.

11. "At lower prices, transportation of Alaskan North Slope oil to the 'lower 48' would be uneconomical, and the oil would move instead to Europe and Japan in foreign-flag tankers."

Observation: All available evidence indicates that the real cost of producing Arctic crude oil (including return on capital) is very low—considerably less than $1.00 per barrel and perhaps as little as $0.20. The cost of transportation to the U.S. East Coast is estimated at $1.00 to $1.50 per barrel depending upon whether transportation through the Northwest Passage is successful; transportation to the Midwest by pipeline would be about $1.25. (See Appendix E.) A $0.30 per barrel U.S. price decline would imply a crude price of at least $3.40 on the U.S. East Coast and at least $3.20 in the Midwest. (Prices before 1975 would be even higher. See Table L–1 and L–2, pp. 92–93. Hence, marketing of Arctic crude in those regions should leave at least $1.00 per barrel, and possibly a great deal more, available for payment of lease bonuses, royalties, and state severance taxes.)

Although the Jones Act requires shipments between American ports to move in U.S. bottoms, and thus makes shipping between American ports more expensive than shipping to foreign ports, the price of oil in the U.S. would still be sufficiently above the price in Europe and Japan to offset any differences in transportation costs. For instance, the cost of Jones Act shipping between Valdez and Los Angeles is estimated to be about 35 cents per barrel. Transportation between Alaska and Japan, roughly the same distance, would be about 15 cents per barrel. The higher value of the oil in the U.S. market—an estimated $1.00—$1.20 per barrel differential even after a $0.30 reduction—would far more than offset any such added transportation costs. Shipment to foreign ports to avoid the Jones Act would become profitable only if U.S. prices dropped close to world market levels.

12. "Reducing oil prices would eliminate much stripper and secondary production, foreclose synthetic development, and lose forever the reserves that might otherwise be developed from shut-down marginal wells by future technology."

Observation: Obviously, a decline in the price of oil will make marginal production unprofitable. The factors involved are set out at length in Appendix D of the Report. Some, but not all, stripper well production would be lost; this effect would, of course, be moderated by phasing in any changes. Even at substantially lower prices, some stripper wells would continue to be profitable—although development of new strippers might stop— and some reserves attributable to strippers would be recovered through other wells. Secondary recovery would be less attractive and synthetic development, not certain at current prices, would be much less likely under reduced prices—barring major technological developments or government subsidies. (See para. 246 and Appendix J, paras. 6–10.)

Any reserve loss attributable to a price reduction would, however, be very small indeed. It is notable that private operators currently find potential technological development insufficient reason to keep strippers in production once current costs exceed current revenues. Moving to greater reliance on market forces should *stimulate* development of new technology.

The immediate loss in stripper production if prices dropped to a world level would be only 500,000 b/d. (See Appendix D, para. 6e and footnote 8.) The loss from the far-more modest price reductions which would result from instituting the Task Force's recommendations would be much less. Any additional loss would have to be but a small fraction of this already small total, and would fall well within the general range of error in the Task Force's estimates.

A tariff system of import restrictions should make the domestic producing industry much more competitive and thereby stimulate the development of technology to reduce costs and increase recovery from the more efficiently producible reservoirs.

13. "There is a danger that due either to over reaction to the new program or conceivably a deliberate purpose to create an appearance of crisis, exploration might be artificially reduced during the transition period."

Observation: There may be a weakness in the majority's recommendation of an observation period before the decision is made whether to reduce the tariff to an equilibrium level of $1.00 (or whatever). It assumes that all reactions to the new policy during this period will be non-strategic, and that "objective" facts will be produced to support the decision. But the industry is capable of behaving irrationally for short periods, and even of contriving an apparent disaster by ceasing exploration, dramatically revising its reserve additions downward, closing up intramarginal properties prematurely, etc. Not every firm would do this, but enough might do so (from panic or for calculated strategic reasons) to produce an appearance of crisis calling for immediate "corrective" action, e.g., return to quota restrictions plus a curative dose of higher prices than before the "ill-advised" change to a tariff system. The industry associations could help to produce such an impression. A dramatic increase in imports might well accompany it—after all, the same firms can influence both the domestic reserves and the import reactions. And we must not forget that the "facts" for decision will be produced largely by these same firms and associations.

The industry is not monopolistic enough to sustain a false reaction over an extended

period; in the long run the normal commercial motives will reassert themselves and objective facts would win out. But we have no assured means of preventing over-reaction or downright manipulation in the short run, nor is it clear how the administration would distinguish between a fake disaster and a real one. This does put a premium on improving the quality and reliability of statistical information as recommended in the report (PP 345b), so as at least to free the program managers from conclusory industry assertions.

Speaking personally, this is one reason I favor adoption of a definite equilibrium tariff goal now. Such an action would give the industry fair notice of what they must plan to meet, and would remove any temptation to influence government decisions by contrived behavior.

14. "Lower crude oil prices would mean lower lease bonus revenues for the U.S. Government."

Observation: It is true that U.S. lease bonus revenues probably would be lower under the system recommended by the Task Force than under a continuation of the present quota system (see para. 207d). Calculations indicate that adoption of the Task Force's recommended tariff with no further decrease in the tariff level would reduce Federal lease bonus revenues by about $150 million in 1975 (obtained by multiplying average federal lease bonus revenues for the years 1964–68—about $500 million—times the estimated 30% decline in rents in offshore areas which would result from a $0.30 per barrel drop in the domestic price of crude oil). However, these losses would be much less than the estimated $1.6 billion of savings to consumers in 1975 under the Task Force's recommended system (see para. 207d, Table A–1, p. 26, and para. 407). Furthermore, adoption of the Task Force's recommended system would generate about $500 million in additional tariff revenues in 1975 (see Table M, p. 100), more than enough to offset the decline in bonus payments.

15. "The price of No. 2 fuel oil in New England will rise if the Task Force recommendations for a product tariff ($1.55 per barrel, or 3.7 cents a gallon) are put into effect."

Observation: Long-run. The "Fact Sheet" circulated to members of Congress by the Independent Fuel Oil Terminal Operators postulates that the present posted price of No. 2 fuel oil is 10.1 cents per gallon in Boston Harbor and 6.5 cents per gallon in the Caribbean, and that the transport cost from the Caribbean to Boston is 1.0 cents per gallon. Since the posted Caribbean price plus transport cost is 2.6 cents per gallon less than the present Boston price, the Fact Sheet concludes that a tariff greater than 2.6 cents per gallon would make imported No. 2 fuel oil noncompetitive in the New England market. The Fact Sheet further asserts that at a tariff higher than $1.08 per barrel "(d)omestic refiners would be completely insulated from overseas competition and price increases would result . . . (F) or each 20 cents per barrel of (additional) tariff, the heating oil price could be easily increased by ½-cent per gallon." (Fact Sheet, p. 2).

(1) Even assuming the correctness of the postulated facts (and the relation of the Caribbean posted price to actual transaction prices at least seems open to question), this analysis seems deficient. At present, the import program quantitatively limits imports of No. 2 fuel oil, which during 1966–68 supplied only 3–7% of East Coast heating oil demand. (See Appendix L.) Hence, it is evident that the East Coast heating oil price is primarily determined not by the foreign heating oil price plus the cost of transportation but by the costs of domestic refining and transport. The circumstance that No. 2 fuel oil refined abroad generally can be delivered to the East Coast at less cost than domestically refined No. 2 oil mainly results not in a lowering of the domestic price but in unearned "rents" to the few historical importers now permitted to import No. 2 oil.

Once it is acknowledged that under the present quota system the domestic price of No. 2 oil is independent of the delivered price of product imports, it follows that imposition of even a prohibitively high product tariff would have no effect on the long-run domestic price. That price would still be determined—as at present—by the costs of domestic refining plus transport. Any long-term price rise must stem either from an increase in these costs or from anticompetitive behavior by domestic refiners. Neither would be affected by adoption of a tariff, regardless of its level.

(2) Imposition of a *crude oil* tariff of 3.4 cents per gallon ($1.45 per barrel), as recommended by the Task Force, would tend to lower the domestic price of No. 2 fuel oil by reducing the cost to refiners of domestic crude oil, a fact entirely ignored by the Fact Sheet. The tariff recommended by the Task Force should reduce the cost to refiners of domestic crude oil by about 0.5 cent per gallon (after taking into account the elimination of any pass-through to consumers of cost savings under the present quota system). Assuming that the domestic refining industry is competitive, this saving should be realized by consumers in the form of correspondingly lower No. 2 fuel oil prices.

(3) Thus far, it has been assumed that the prices and transport cost postulated in the Fact Sheet are accurate. This would seem to be true of the Boston Harbor posted price (10.1 cents per gallon). The estimated transport cost (1.0 cent per gallon) appears to be somewhere in the right neighborhood, although the Petroleum Industry Research foundation recently cited a figure of 0.5 cent. However, it is questionable whether foreign posted prices ever represent real transaction prices or are artificially high, so the Caribbean posted price cited in the Fact Sheet (6.5 cents per gallon) is subject to doubt. The corresponding figure for bulk cargoes f.o.b. Italy is, for example, only 5.9 cents. Moreover, even if the 6.5 cents price is accurate, it is certainly based to some extent on the absence of effective price competition in the U.S. market. A U.S. tariff which removed quantitative import restriction but tended to price 6.5-cent Caribbean oil out of the East Coast market might induce Caribbean refiners to lower their prices, perhaps by changing their refinery configurations.

Finally, it must be remembered that the objectives of the tentative product tariff recommended by the Task Force are (1) to prevent "export" of significant refining capacity while (2) keeping the cost of product imports low enough to exert some competitive pressures in the domestic market and aid in relieving temporary shortages. (See para. 333d, Appendix K.) The first goal would be attained even if the tariff were so high as to preclude all product imports. Simultaneous achievement of the second objective, however, requires a much finer tariff adjustment. The considerations are sufficiently complex to lead the Task Force to recommend only a tentative product tariff, with the final tariff level to be the subject of immediate intensive study.

Short-run. No. 2 fuel oil is currently imported pursuant to historical product import allocations. Such imports accounted for 3–7% of East Coast demand during the period 1966–68. If a tariff were imposed which was so high as effectively to exclude No. 2 fuel oil at present prices, and if historical import allocations were immediately abolished, then in the short-run—before the U.S. refinery mix adjusted to the changed situation—there might be a temporary price rise. The Task Force has recommended an initial tariff of 3.7 cents per gallon on No. 2 fuel oil. However, even if this tariff were high enough to price imported No. 2 oil out of the U.S. market over the short run, no price rise would occur because the Task Force has not recommended the immediate abolition of historical product import quotas. Rather, the Task Force Report suggests gradual elimination over a three- to five-year transition period (see para. 428). Especially since recipients of historical allocations are not limited as to the types of products they may bring in, this gradual phaseout should be sufficient to prevent any significant shortages or price rises with respect to No. 2 oil due to institution of the tariff system recommended by the Task Force.

16. "How do you justify exempting imports of heavy fuel oil and not No. 2?"

Observation: (a) If the question were whether we should *now* exempt residual fuel oil, the answer might be no. Residual fuel oil is a refinery product, and refineries can be shut down more easily than oil fields. Of course, restrictions on residual fuel oil entry raise prices for apartment dwellers, hospital patients, schools, and consumers of utility and factory products It is also true that domestic refineries have been upgrading their output, abandoning residual fuel oil production because it is less valuable. But if we were now putting in a tariff system for the first time and we wished to remain serious about national security, we would probably recommend the same kind of tariff on resid as we do for No. 2 fuel oil—that is, one that will (1) avoid artificial encouragement of refinery construction outside the U.S. while (2) maintaining competitive pressures on U.S. refiners.

(b) The present residual fuel oil exemption bears no reasonable relation to national security. It operates in District I, not in Districts II–V. It is not restricted as to source, so that 17% of our resid imports now come from the Eastern Hemisphere, and an *unknown* additional percentage consists of resid produced from Eastern Hemisphere crude oil. The Task Force would grant an exemption to residual fuel oil produced in the Western Hemisphere from Western Hemisphere crude oil, and would phase in a 30 cents/bbl higher tariff on other resid imports (paras. 310, 336e, 430b). This treatment would apply to imports into *all* parts of the U.S.

(c) The Task Force does not write on a clean slate. The Venezuelan Government has been told for years that the residual fuel oil exemption was a form of preference for its oil. Actually, the preference was not keyed to the Western Hemisphere and was declining as low-sulphur requirements were imposed in the U.S. We have proposed corrective action in the form of a differential tariff, so that future resid imports should come predominantly from Caribbean and other relatively secure Western Hemisphere sources. If we had gone in the other direction and wiped out the resid exemption altogether, this would have been taken as a slap in the face by Venezuela. That is important, because for a complex of reasons discussed in the Report, we did not find ourselves able at this time to recommend a full exemption for crude oil imports from Latin American sources other than Mexico (para. 336). Yet Venezuela has been a dependable supplier in all past crises (para. 217), and its continued good will is important to the petroleum security both of the U.S. and of our allies. Hence the "compromise" solution recommended by the Task Force.

(d) The past residual fuel oil exemption presents a good case history of how future oil import policy should *not* be made. The exemption was made in response to consumer pressure and the absence of oil-company resistance. In effect it "brought off" rising political criticism of the oil import program as a whole. That is not the way to do things.

If government policy is to have any general respect, and therefore to be effective, it must be made by *principled* decision. That is what we have tried to do with No. 2 fuel oil. It also explains why we have recommended a revised and greatly strengthened management system.

17. "Would adoption of the Task Force's recommended $0.30 per barrel incremental tariff on Eastern Hemisphere residual fuel oil increase the cost of reducing air pollution on the (a) East and (b) West Coasts?"

Observation: (a) The East Coast presently imports about 800,000 b/d of Venezuelan residual fuel oil and about 170,000 b/d of Eastern Hemisphere residual fuel oil. The proportion of Eastern Hemisphere imports has increased dramatically in recent years, due to their lower sulphur content and consequent advantages in satisfying the anti-pollution requirements which have become prevalent in the Northeast. Large investments have recently been made in Carribean desulphurization plants, so that desulphurized Venezuelan oil should for the foreseeable future supply the greater part of the low-sulphur residual consumed on the East Coast. This implies that the East Coast price of such residual will be determined by the costs of producing residual in the Carribean, desulphurizing it, and shipping it to the East Coast. The added cost of desulphurizing Venezuelan residual (down to a level of 1.0% sulphur) makes its delivered cost about $0.30 per barrel greater than that of Eastern Hemisphere crude not requiring desulphurization, even taking into account the higher cost of transporting Eastern Hemisphere residual (see (p. 376e). Imposition of the same tariff on both types of residual would tend to induce higher imports of less secure Eastern Hemisphere residual because greater profits could be realized. On the other hand, permitting some Eastern Hemisphere low-sulphur residual imports is desirable because of the increasing demand for such fuel on the East Coast and the particular value of low-sulphur Eastern Hemisphere residual for blending. Hence, the Task Force has recommended a $0.30 per barrel incremental tariff on imports of Eastern Hemisphere residual, which should suffice approximately to offset the cost advantage over Caribbean imports without making Eastern Hemisphere residual entirely uncompetitive. The incremental tariff is to be phased in over 3 years; this should cushion any price effect that does occur and permit modifications if needed in the light of experience.

(b) West Coast imports of residual fuel oil are minimal. However, oil import regulations permit West Coast manufacturers of low-sulphur residual to import additional crude oil on a barrel-for-barrel basis. In 1969, these "bonus" allocations amounted to 50,000 b/d, mainly low-sulphur crude from Indonesia. Although the factors which now determine the price of low-sulphur residual on the West Coast are somewhat hazy because of the "bonus" crude allocations (see para. 125b), it is likely that the long-run price would rise somewhat if the Task Force's recommendation of a $0.30 higher per-barrel tariff on Eastern Hemisphere residual, a $1.45 per barrel tariff on Eastern Hemisphere crude, and elimination of West Coast "bonus" crude allocations were adopted. The rise would be gradual because of the 3-year period provided for phase-out of West Coast "bonus" crude allocations (see para. 341e) and phase-in of the incremental Eastern Hemisphere residual fuel oil tariff (see para. 433). The higher price of Eastern Hemisphere residual would increase the attractiveness of Western Hemisphere and domestic desulphurized residual and natural gas—all relatively more secure than Eastern Hemisphere oil. Moreover, once a higher East Coast tariff on Eastern Hemisphere residual is deemed necessary for security reasons, the Constitution dictates that the West Coast tariff be the same.

(c) Desulphurization of one Venezuelan-refinery residual output stream may be feasible only if adequate markets remain for a second resid stream with higher sulphur content. Thus, if U.S. pollution-abatement requirements become more stringent and/or widespread, blending of low-sulphur Eastern Hemisphere crude or resid may become a necessity. If so, a specified percentage of Eastern Hemisphere crude, blended into the stream of a Western Hemisphere refinery, might be allowed as a ceiling without imposition of any incremental tariff. This decision, like many others of detail, has been left for the management system.

18. "What will happen to the Machiasport free trade zone application?"

Observation: (a) That is an operational question not within the jurisdiction of the Task Force. What we did was examine the general principles that should govern the oil import control program. We did make certain general recommendations for the treatment of foreign trade zones (para. 317) and also for dealing with imports of No. 2 home heating oil (paras. 311, 333d, Appendix L.) Whether or not those recommendations are put into effect, the responsibility for handling particular foreign trade zone applications would remain with the Foreign Trade Zones Board.

(b) The present system whereby a licensing requirement has been engrafted onto foreign trade zone authorizations has encouraged *ad hoc* negotiations for "special deals" which, regardless of their merit in any particular case, seriously detract from the impartiality and generality of the control system. A few simple things have to be kept in mind. The Congress has authorized "foreign trade zones" to be set aside and treated for trade purposes in all respects as if they were foreign countries. This means, for example, that crude oil can be brought into a zone, refined or processed, and its products entered into the United States—subject however, to whatever import restrictions normally apply to those products. If no products can be entered from overseas, then no produce can come in from a zone; if overseas imports of that product pay $1.55 per barrel tariff, then shipments from the zone pay the $1.55 tariff. The Task Force Report would leave that system intact and remove the present licensing requirement, which is of dubious legality and wisdom. In general, the Report recommends that we do away with specially negotiated *ad hoc* deals of all sorts. And the Governor of Maine, when he came down to see us on behalf of the Governors of the oil-consuming states, agreed with that.

(c) Of course people in New England generally seem to feel that they are paying too high a price for home heating oil and they would like some means of relief. They see oil products selling for 3 cents a gallon less in Montreal even though the oil passes through a pipeline from Portland to reach Montreal. Now to deal with this there are two possibilities: (1) you can forget about national security and try to adjust your program to meet strongly voiced complaints wherever they arise; or (2) you can address yourselves to the question of exactly how much—no more, no less—you have to hurt the consumer to protect the national security. The Task Force took the second road, as we thought we had to under the governing statute. So we recommended a uniform products tariff that would keep the needed refinery capacity in this country and also keep competitive pressure on prices and supplies. It will take further study to define the exact tariff that will do those two jobs, but if the *crude* tariff is set as we recommend it then the price of No. 2 heating oil should begin to decline. One further thing—it is *national* security we are concerned about, and the Task Force has recommended that all parts of the country should share equally in the burdens as well as the benefits of that security. Just as we propose no special treatment for New England or for Hawaii, so we recommend an end to the special treatment for the West Coast and Puerto Rico.

(d) If the Task Force recommendations are put into effect, they should eliminate any special incentives to operate a refinery or petrochemical plant in a foreign trade zone. That is not our avowed purpose, and again we leave applications to the Foreign Trade Zones Board. But new petrochemical plants could get access to foreign feedstocks without locating in a foreign trade zone (para. 313) and new refineries in a zone would gain no advantage over their competitors in the domestic sale of tariff-restricted petroleum products.

CONVERTING THE ECONOMY FROM WAR TO PEACE

Mr. McGOVERN. Mr. President, there can be no denying that adjustments in the military budget can have grave consequences in communities with a high economic dependence on defense-related industries.

In the next fiscal year we can expect that some 1.3 million people will be removed from the employment rolls in Government and industry as a consequence of cutbacks now being placed in effect. Scaling down of our operations in Vietnam will exacerbate the problem, and all of this coincides with public policies aimed at discouraging economic expansion. It takes no seer to predict a severe crunch in many localities.

It is my conviction that the Federal Government, having called this new enterprise into being, has an obligation to assist in alleviating the local and regional problems that will attend its scaling down. Continuing military activities that are no longer needed is obviously not the answer. We certainly cannot justify treatment of the Pentagon as a giant make-work institution. Moreover, where the production of weapons is involved, we incur a double cost for superfluous output—the original diversion of funds that could be used for other purposes, and the cost in lost new capital activity deriving from the fact that weapons do not do anything to continue the chain of economic growth.

We can, however, do much more than is being done now to assist industries, employees, and communities to transfer unneeded military enterprise to other uses. Moreover, if the process of conversion is painful, its accomplishment offers a long-run opportunity for much more dependable and productive economic growth.

This is the essential aim of S. 1285, the Economic Conversion Act, which has been sponsored by some 33 Members of the Senate and 50 Members of the House. It seeks to involve industry, labor, and government at all levels in a concerted approach to the development and implementation of conversion plans.

Mr. President, the current issue of Science magazine contains an article which sheds a great deal of light on the procedures through which conversion can be carried out in an individual case. The article, entitled "Swords Into Ploughshares: Hanford Makes the Switch," describes a rarity—an economic

changeover which is meeting with substantial success.

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:

SWORDS INTO PLOUGHSHARES: HANFORD MAKES THE SWITCH

(By Luther J. Carter)

RICHLAND, WASH.—The "Tri-Cities," an urban complex of 84,000 people here in the arid region east of the Cascades, is an offspring of war. For this was a desert area with only a few hamlets and small towns until the construction of the Hanford plutonium works, which produced the material for the Nagasaki bomb began in 1943. Since 1964, however, the government has been cutting back production of plutonium, and six of the nine reactors at the Hanford works have been shut down and a seventh is being closed down now. Such a cutback could have precipitated a disastrous economic decline for Richland and the neighboring towns of Kennewick and Pasco. But what in fact has happened is that a good start has been made toward converting sword into ploughshare.

The conversion has not been free of trouble, and, at the moment, people here are protesting that reactors are being shut down and old jobs are being eliminated faster than new job-creating activities can be established. With substantial unemployment in the area (8.2 percent at the end of January), clearly there is reason for this concern. However, the process of changing from an economy based largely on the production of plutonium to one based on a diversity of activities has gone far enough already to allow real hope for the future.

How this has occurred makes an instructive story. To cushion the reactor shutdown's impact on the Tri-City area, the federal government has used the persuasive power of its contract dollars to bring in new industry and research activities. This has been done partly because Tri-City business leaders have been highly resourceful and have had potent representation in Congress.

The Hanford works took its name from the small village of Hanford, which became the side of a temporary wartime construction camp that at one point had 51,000 people. The Hanford reservation extends over 575 square miles (about half the size of Rhode Island), with most of it lying within a large bend of the Columbia River. Today nothing remains of the old village of Hanford or of the construction camp. The operations office of the Hanford project was established here at Richland, on the south edge of the Hanford reservation, thus virtually assuring that Richland (current population about 28,000) would become the largest of the Tri-Cities.

On entering the Hanford reservation, one first passes through the "300 Area" where reactor fuels are prepared and where the AEC has its Pacific Northwest Laboratory, a $100-million complex of facilities built mostly since 1956 when the laboratory became a separate segment of the Hanford operations. Beyond this area, there is a large domain of desert and sagebrush, with Rattlesnake Mountain rising to the west and the bluffs of the far bank of the Columbia River dominating the scene to the east. Not until after driving some 20 miles from Richland does one come to the reactor area.

All nine of the Hanford reactors and their support facilities are located deep within the bend of the Columbia River and appear as stark intrusions in a landscape otherwise empty of human artifact. The two reactors still running are the dual purpose N Reactor, completed a few years ago and now producing steam-electric power as well as plutonium, and the K East Reactor, which has been operating since the mid-1950's. A line of buttes and low mountains divides the reactor area along the river from area occupied by Hanford's five long, cavernous chemical separation plants in which plutonium produced in the reactors is separated from uranium and fission products. Three separation plants built during the war were closed down in the 1950's and replaced by the Redox and Purex plants; only the Purex facility is now operating as a separation plant.

The du Pont Company, under the supervision of the Manhattan District of the U.S. Army Corps of Engineers, built and operated the original Hanford works but gave up the contract to the General Electric Company in 1946. A year later the AEC, newly created by Congress, replaced the Manhattan District as Hanford's controlling authority. General Electric continued to be the sole contractor at Hanford until 1964, when the cutback on plutonium production began. At this time the AEC announced a "segmentation and diversification" plan intended to bring about a transition from a local economy based on production of weapons material to one based chiefly on work unrelated to military purposes.

SEGMENTATION AND DIVERSIFICATION

"Segmentation" meant that the AEC, instead of continuing to have all work at Hanford done by a single contractor, would split the work into several parts or segments and award a separate contract for each part. "Diversification" meant that the agency would impose, as a major condition of the contract awards, the requirement that the contractors would not only perform work for the AEC but would also invest in facilities and programs to carry on non-AEC-related activities.

Battelle Memorial Institute received the contract to operate the Pacific Northwest Laboratory. In return, Battelle agreed to invest $20 million in new laboratory facilities and to seek a variety of private contract work. Douglas United Nuclear Corporation (DUN), a joint enterprise of McDonnell Douglas Corporation, and the United Nuclear Corporation, was awarded the contract for reactor operations and fuels preparation. DUN's parent companies promised to establish the Donald Douglas Laboratories (for contract work in nuclear science and related technologies) and to set up a plant for the manufacture of zirconium tubing. Their other commitments included a pledge to give $100,000 a year for 5 years to the University of Washington Center for Graduate Study here.

ITT, which received the contract for support services, agreed to set up a plant for the manufacture of electronic components. The contract for chemical separation and waste management work was given to the Atlantic Richfield Hanford Company, which promised to spend some $5 million on construction of a hotel-convention-resort facility, a cattle feed lot, and a meat packing plant. Atlantic Richfield also agreed to organize a risk-capital investment company and to conduct studies on the potential for establishing civilian oriented nuclear businesses in the Tri-City area.

(The chemical separation and waste management contract originally had been awarded to Isochem, Inc., which was owned by the U.S. Rubber Company and the Martin Marietta Corporation. Isochem relinquished the contract, however, when it failed to meet its diversification commitment to build an $8 million plant for converting fission products from Hanford's radio-active wastes into marketable isotopes. A profitable market for isotopes had not yet developed, Isochem had concluded.)

Altogether, these four major Hanford contractors, together with several firms holding lesser contracts, pledged to spend $43.5 million on economic diversification work. The segmentation and diversification concept had developed following discussions involving the AEC, Senator Henry M. Jackson of Washington, and a group known as the Tri-City Nuclear Industrial Council.

The Tri-City council was formed in early 1963 by local businessmen who knew that sooner or later some or all of the plutonium reactors might be closed down, thus creating a crisis for the local economy. A few years earlier some Tri-City leaders had formed an exotic metals fabrication company, but this early, and very modest, approach to segmentation and diversification had gotten nowhere.

By 1963, when the Tri-City council was organized, conditions were changing. The Cuba missile crisis was past, the nuclear test-ban treaty was in the making, the U.S. goals for deployment of land- and sea-based missile forces were rapidly being met, and the need for production of plutonium was declining. The council, coming on stage at a propitious moment, hired a firm of consultants to help it identify opportunities for economic development in fields such as nuclear fuels processing, the encapsulation of isotopes, and the like.

In Washington, Senator Jackson, as an influential Democrat and member of the Joint Congressional Committee on Atomic Energy, was in a strong position to help the council encourage the AEC to bring about a greater diversity of activities at Hanford. One day in March 1963 AEC Chairman Glenn T. Seaborg, together with other AEC officials and a vice president of General Electric and Senator Jackson, visited Hanford to see what could be done. After this visit, the AEC conducted studies from which the segmentation and diversification plan emerged. For his part Senator Jackson pushed through legislation authorizing the AEC to issue use permits making available Hanford facilities for private nonnuclear work.

Such use permits are now held by Battelle and several other contractors and were part of the bait that lured them to Hanford. For the industry contractors there was also the promise of profits and the chance to gain significant new experience in the nuclear field. Accordingly, the industry response to plan was enthusiastic. For instance, Douglas United Nuclear was one of a half dozen firms competing for the fuel fabrication and reactor contract.

Although no one deserves all the credit for segmentation and diversification at Hanford, it is clear that the Tri-City council was the prime mover. It is equally clear that, while the leaders of the council live and work in the boondocks, they know how to make Congress and the Washington bureaucracy do their bidding. The vice president of the council, Sam Volpentest, a Richland banker, is a particularly persistent and energetic promoter of the council's objectives. Volpentest, a man of small physical stature but large enthusiasms, told *Science* last year that when Hanford's problems require attention, he rings up the office of Senator Jackson or Washington's other potent U.S. senator, Warren Magnuson, three or four times a week.

At one time or another, Jackson, Magnuson, and Representative Catherine May, the Tri-City area's congresswoman (who also is now a member of the Joint Committee on Atomic Energy), have each talked personally with President Johnson or President Nixon in an effort to delay the closing down of certain Hanford reactors; moreover, they have had a degree of success, although ultimately the shutdowns have occurred. Magnuson, as a member of the Senate Appropriations Committee, has played a key role in helping obtain funds to advance the diversification effort. Volpentest has raised thousands of dollars for Magnuson's and Jackson's political

campaigns, and this he feels, has helped assure him of cordial entree to their offices.

Council leaders are frequently in Washington, seeking some plum or advantage for Hanford or its contractors. In 1967, when the council was making a hard sell to have the 200-Bev accelerator built in the Tri-City area, Volpentest made eight trips to the capital. Although the accelerator ultimately was built in Weston, Illinois, the Tri-City area received a handsome consolation prize in the form of the AEC's $87.5 million Fast Flux Test Facility. The FFTF, on which construction begins this year, will be the major test facility for fuels and materials in the AEC's Liquid Metal Fast Breeder Reactor program.

Other leaders of the council are its president, Robert F. Philip, and its secretary-treasurer, Glenn C. Lee, who are, respectively, president and publisher of the Tri-City *Herald*. While Volpentest and Philip speak with sweet reason, Lee's style is more aggressive and he knows how to apply the kick in the pants with his editorials. Lee is regarded by some AEC officials as a "fanatic" promotor of the Tri-City area, but his fanaticism only seems to drive them into the arms of reasonable men such as Volpentest.

The Hanford contractors are more than meeting their diversification commitments and already have created over 1100 new jobs. The Donald W. Douglas Laboratories has had underway a project to develop (under the sponsorship of the AEC and the National Heart Institute) a thermal engine—plutonium-238 is one possible heat source—for an implantable artificial heart. Battelle has constructed three major new laboratory buildings already and is now completing a fourth. Its work ranges over a broad spectrum of research interests, including such things as arid lands ecology, problems of air and water pollution, development of a vaccine to protect salmon from disease, and hospital systems engineering. Battelle has been designing the FFTF, but it is giving up this project to Westinghouse because, under the 1969 tax reform act, it cannot as a not-for-profit institution receive more than a certain proportion of its income from any one federal bureau or agency.

FUELS FABRICATING PLANT

The hope here has been that segmentation and diversification would create a business climate encouraging even companies with no direct stake in AEC operations to start new enterprises in the Tri-City area. In a small way, this has occurred, mostly notably in the case of the decision by Jersey Nuclear, a subsidiary of Standard Oil of New Jersey, to build a facility for fabricating power reactor fuels.

At the end of 1969 the number of persons employed at Hanford under AEC contract or by the AEC itself was 7750, or only 1750 less than the number so employed at the end of 1963, before the cutback in plutonium production began. This cutback resulted in the loss of 2700 jobs during the 1964–69 period, but new activities at Hanford, such as expanded research activities, the designing of the FFTF, and work on the solidification of nuclear wastes, have partly offset this loss by creating nearly 1000 new jobs. However, there is nothing immediately in sight to offset the loss of some 470 jobs caused by the shutdown of the K West Reactor (which began 1 February) and the loss of 250 jobs at Battelle caused mainly by budgetary stringencies affecting the AEC research program.

But, while the Tri-City area may experience an uncomfortably high rate of unemployment during the next few years, some important new job-generating activities will develop before the mid-1970's. The FFTF will employ several hundred persons, and the Tri-City leaders expect that one of the AEC's Liquid Metal Fast Breeder Reactor demonstration projects will be carried out at Hanford. Westinghouse and a group of utilities in the Northwest would undertake this $200-million project. The AEC would contribute some $80 million toward the project cost, with Westinghouse and the utilities providing the rest.

Moreover, Senator Jackson believes that, ultimately, Hanford will become a major center for the generation of nuclear power in the Northwest, although only Hanford's dual-purpose N Reactor is suited for power production and new reactors would have to be built. The utilities would prefer to build their nuclear power plants close to the population centers and thus reduce transmission costs, but plans to put such plants in the lower Columbia basin and in the Puget Sound area have provoked an outcry from environmentalists. At Hanford people have been living with the atom for a generation. Moreover, Hanford has vast tracts of land available for plant sites and the construction of cooling ponds for the dissipation of waste heat. And it is well to note that, being chairman of the Senate Interior Committee and a key figure in the development of environmental policies, Jackson is in a strong position to encourage utilities to locate power plants at Hanford.

In sum, the success of Hanford and the Tri-City area in surviving the decline in plutonium production over the last 6 years and building a foundation for future prosperity provides a remarkable case history. While some aspects of the Hanford story are unique, it contains object lessons for other communities where defense cutbacks impend. These lie in the resourcefulness of the Tri-City leaders, the adept use of the levers of power by Washington's representatives in Congress, and the AEC's responsiveness to a local community problem which it itself had created.

VOICE OF DEMOCRACY SPEECH WINNER

Mr. THURMOND. Mr. President, I am pleased and proud to report that for the first time a South Carolina student has won the famous Voice of Democracy contest, sponsored annually by the Veterans of Foreign Wars.

Lawrence N. Slaughter is the son of Mr. and Mrs. Crayton N. Slaughter, of North Charleston, S.C. He is very active in student government at North Charleston High School, where he is at present serving as vice president of the student council.

Lawrence's original theme on the assigned subject "Freedom's Challenge" was chosen from a field of over 400,000 entries as being the most well-written and perceptive submission. For his efforts he is to receive a $5,000 scholarship which he plans to use at Emory University in Atlanta, Ga., where he will study for the ministry.

The significance of this speech goes far beyond its monetary value, however, Mr. President. It lends evidence to a conviction that I have always held; that is, despite all the efforts of a small minority of hoodlums to blacken the image of our young people, as a group they are the finest ever. They are aware of the important values of our heritage and they call us all to task when we fail to apply these values to present-day situations.

Mr. President, I note that our largest local newspaper, the Washington Post, which normally devotes a great deal of space to certain elements of today's youth, has not found Mr. Slaughter's achievement newsworthy. Nevertheless, I feel that his speech should be read by every Member of this body. It was entered into the CONGRESSIONAL RECORD by Representative MENDEL RIVERS who represents Lawrence's district, and can be found on page 7069 of the RECORD of Tuesday, March 11, 1970.

U.S. INVOLVEMENT IN SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, Mr. Harold Willens, national chairman of the Businessmen's Educational Fund, an organization of some of the leading businessmen of our country, spoke to the Stanford University Research Institute on January 17, 1970.

His speech is a penetrating analysis of our involvement in South Vietnam from a businessman's point of view. It is well worth the attention of Senators.

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

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

A BUSINESSMAN'S APPRAISAL OF AMERICAN MYTHS, MILITARISM AND NATIONAL PRIORITIES

(By Harold Willens, chairman, the Businessmen's Educational Fund)

In growing numbers American businessmen are becoming concerned about national priorities.

Through the Businessmen's Educational Fund that concern is being expressed by bankers and financiers such as Marriner Eccles, former Chairman of the Federal Reserve Board, and J. Sinclair Armstrong, former Chairman of the Securities and Exchange Commission who is now Executive Vice President of the U.S. Trust Company—as well as industrialists like Joseph McDowell, Chairman of Servomation; Max Palevsky, Xerox Executive Committee Chairman; Jubal Parten, independent rancher and oil producer of Houston, Texas; Lawrence Phillips, President of Phillips-Van Heusen; Gordon Sherman, President of Midas International; Alfred Slaner, President of Kayser-Roth, and George Talbot, President of Charlotte Liberty Mutual Insurance Company.

These and hundreds like them are the vanguard of a potentially influential social force: A non-partisan coalition of businessmen speaking out for new American values and goals.

This is a time when personal interests and national issues can no longer be separated. Enlightened self-interest should motivate American businessmen to press for new priorities: To restoring the natural environment, rebuilding our cities, achieving racial equality and economic opportunity, moving quickly and steadily towards arms control and reduction.

Progress toward these familiar objectives depends upon two overriding priorities which do not appear on most lists. It is with these two critical considerations that I am particularly concerned.

The first is getting rid of our besetting fear of communism and communists, both foreign and domestic. Generations of fearful politicians and bureaucrats have made it seem that all our ills, from heavy tax-loads to backed-up sewage systems and campus turmoil, are traceable to one or another stealthy communist scheme. These spokesmen have made it appear that this nation, with a Constitution two hundred years old and institutions so stable that they are the despair of the rebellious young, is about to crumble before the undermining efforts of the communists. This is to say that all com-

munists are brighter and stronger than the rest of us. It is to say that domestic communists, some eight thousand at the last count, have it in their capacity to bring down history's greatest power.

Similar myths underlie our view of communism elsewhere in the world. One is as nonsensical as the other. To be sure, there are many communists around the world. But we cannot restructure social systems everywhere to suit ourselves. And the communists have enough problems to keep them diverted indefinitely. They are having trouble with one another and trouble with their own economies.

So the first priority I would assert for the country is ridding itself of the false mythology concerning communism and its influence. There is no more paralyzing toxin running through the body politic.

The second priority is to bring our military under public control and to reduce its influence over every aspect of American life. We are tending fatefully in the direction of a police state by our willingness to maintain the military as the spoiled darling of our national budget.

Like every American I am at all times concerned about the defense of our country. What worries me is the difference between legitimate defense requirements and a vast military bureaucracy which exercises enormous influence on our economy, our foreign policy and our national priorities.

Fortune Magazine recently had an editorial entitled: "It is Time to Audit the Defense Department." Without such an audit there can be no serious reappraisal of national priorities. The following entries may be regarded as part of one concerned citizen's preliminary notes for the kind of audit recommended by *Fortune:*

1. Money and size give the Pentagon unprecedented power.

2. One of every nine Americans is indebted to the military for employment.

3. In some sections of the country, the local economy depends almost entirely upon Pentagon money.

4. Such economic dependency gives our military bureaucracy unwarranted power and influence.

5. Because the Pentagon distributes hundreds of millions of dollars to colleges and universities, the military is deeply imbedded in our educational process.

6. Fifty per cent of all United States scientists and engineers in American business are employed by companies doing military and aerospace work.

7. The Pentagon employs 339 lobbyists. That means two Pentagon agents for every three members of Congress. There are grave political implications in such a lobby force.

8. By its own admission the Pentagon is spending $27.7 million this year on public relations, for which purpose 6,140 people have been employed. That is a formidable propaganda staff and budget.

9. While polishing up its public image in this costly way, the Pentagon suppresses legitimate news such as the alleged My Lai massacre and censors news to our men in Vietnam.

10. Efficiency expert A. Ernest Fitzgerald, who tried to save billions of tax dollars, is rewarded by being thrown out of his Pentagon job.

11. Mendel Rivers, whose home district bristles with seventeen military installations and many defense plants, has good reason to boast: "I've got the most powerful job in the United States Congress."

It is reasonable to assume that considerations like these were in the mind of General Eisenhower when he cautioned against excessive military power and influence—as did George Washington in his Farewell Address. It was not conspiracy our first and thirty-fourth presidents were worried about. They were warning against a basic institutional danger: A military bureaucracy too powerful for the interplay of checks and balances upon which democracy depends.

We have given too much power to our military establishment. Seventy per cent of the non-fixed portion of our federal budget is being spent for military use, eleven per cent for building America.

This military burden damages the American economy. It is responsible for inflation, a balance of payments deficit which is destroying confidence in the American dollar, rising interest rates, and heavy tax loads. That is why signs of peace make Wall Street happy. The new economics rejects the communist belief that capitalism will collapse without war. Germany and Japan, unburdened by large standing armies and military budgets, enjoy booming economies, high productivity and profits.

But we have been told that heavy spending is necessary to defend against the Russian threat. Averell Harriman, drawing upon forty years of experience with the Russians, says: "The Soviets are as anxious to avoid destruction of their country by nuclear war as we are of ours." In our self-interest we must recognize that the men who govern Russia and China are also human beings. They have enough on their hands trying to rule their own countries. That is their mission, not the destruction of the United States, which they know would mean their own destruction as well.

Our country is like a person so obsessed with fear of catastrophe that he spends his fortune on insurance against unlikely events while his children starve and his house falls apart. History deals harshly with such obsessions. World historian Arnold Toynbee reminds us that of twenty-one great civilizations which lie in the graves of history only two were victims of external attack. The other nineteen perished from internal decay. Toynbee is a good man to remember as we fight imaginary enemies in a mistaken war 10,000 miles away while here at home the American dream turns sour. The streets of Saigon are safer than the streets of Washington.

Why?

Because, in the words of former Marine Corps Commandant General David M. Shoup, "America has become a militaristic and aggressive nation . . . Militarism in America is in full bloom and promises a future of vigorous self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom."

General Shoup is right. Vietnam is the inevitable product of a misdirected militaristic policy. Last October, *Nation's Business,* official publication of the Chamber of Commerce, said: "It appears now that President Nixon is without alternatives—that his only hope of ending the war for us is withdrawal. If that's the case, we'd better withdraw. For this has become a war with no possible winners. Only losers."

Yet not so long ago Lyndon Johnson said: "We must fight them in Vietnam now or we will have to fight them in San Francisco tomorrow." He did not explain how the North Vietnamese or the National Liberation Front would get to San Francisco. He just laid on the scare words as did John Foster Dulles and Senator Joseph McCarthy in the early stages of a foreign policy based more on fear and hysteria than fact and logic. Small wonder that Republican Senator William Saxbe says: "To maintain our current foreign policy is a ticket on the Titanic."

Today few Americans who read more than headlines believe that the Chinese or Vietnamese or Cuban revolutions resulted from a unified international conspiracy. In each of these lands corrupt rulers ignored inhuman conditions. Their people wanted national independence and a decent existence. Because other people want the same, there will be more revolutions in underdeveloped nations. Our country is itself the product of a revolution for national independence, political and social justice. This fact would add irony to tragedy if we found ourselves fighting in other Vietnams like those brewing right now in Laos, Thailand, and the nations of Latin America.

To be sucked into such wars would be costly and foolish. Students of the rivalry between capitalism and communism have observed that as a country gets richer the communist system becomes more relaxed. Orthodox communism cannot survive prosperity. But self-defeating interventions—such as the Vietnam war—make more difficult the transition to a less hostile structure in the Soviet Union. That is one of the many tragic aspects of this Asian misadventure.

Vietnam, where no one has ever seen a Russian or Chinese soldier, is our country's greatest mistake. But Vietnam can also become a great opportunity. I am anxious to communicate clearly this central point. Illustrating it with a business analogy may be helpful.

In the history of American industry Ford Motor Company's experience with the Edsel should be seen as a classic example of success, not failure. The experts who conceived and designed the Edsel guessed wrong. If the company's decisions had been controlled by passionate believers in the Edsel, they might have poured good money after bad and compounded a miscalculation into the death of a corporation. But they were objective and flexible. They recognized and admitted a mistake. They took a financial loss. And they took their company on to a brighter future.

Much magnified, this kind of decision confronts us today. We are stockholders in the American enterprise. Our Edsel is a foreign policy propelled by a powerful military machine fueled by an $80 billion budget. The policy of containment was designed twenty-five years ago. It has not been seriously reassessed by any of our past five presidents. This policy drove us into a tiny country totally unrelated to our basic national interests. We have sacrificed over 40,000 American lives and poured $125 billion into a mistaken war which divides our people and damages our international position. All this in support of a militarized foreign policy which does not fit the world of today. This policy is America's Edsel. The opportunity presented by Vietnam is the realization that what we are doing is not working.

If we can be as objective and flexible as Ford's decision-makers in their crisis, we can create a foreign policy which will prevent other Vietnams and allow us to reorder American priorities. Then our mistake would result in long-range benefit. Because the lives of their younger brothers will have been spared, the American boys killed in Vietnam will not have died in vain. Such a redirection is the opportunity I speak of: The opportunity to gain a great lesson from a great error.

Moving away from Vietnam to the broader problem, the *Fortune* Magazine editorial last August said: "Much of the present $80 billion U.S. military budget is based upon outdated assumptions. U.S. ground troops have been deployed around the world for a generation like the Twentieth Century equivalent of the Roman Legions. The United States is in the grip of a costly escalating pattern of military expenditure (which) has come to live a life of its own."

And John Gardner, Chairman of the Urban Coalition, reminds us that the funds needed to "solve desperately urgent internal problems can come only from the vast and inadequately controlled defense budget."

The problem lies in failing to distinguish between defense and military overkill. For example: 200 nuclear warheads can effectively destroy Russia. We have 4,500. And now, with the development of multiple inde-

pendently targeted re-entry vehicles (MIRV), we propose to increase the number to 11,000. Why 11,000? Unless Russia's leaders are insane, they would not dare attack us if we had only 200 warheads. If they are insane then even ten million would not deter them.

All this is a kind of madness. Our worse enemies are the fantasies of our military planners. These fantasies produce escalation of arms which the other side's fantasizers feel compelled to match. For Russia also has its ideological paranoiacs who dream of an Armageddon in which only the other side will be wiped out.

Thus costly technological steps toward so-called security result in leapfrogging weaponry which makes nuclear war not less but more likely. With every step forward, more of us can be more quickly killed than one step ago. And when smaller countries with less responsible leaders obtain nuclear weapons, as they surely will, our chances of avoiding incineration will be even more sharply reduced.

As we increase our military power we decrease our national security.

Most Americans undoubtedly believe that none of this is our fault: We simply react to what Russia does. It would be well if all Americans could see and remember these words: "It is utterly senseless that America and Russia both build huge nuclear arsenals at tremendous expense and no real gain for either side. The Pentagon defends MIRV as necessary to insure penetration of a heavy ABM defense, which the Soviets *might* build. Pentagon Research Chief John Foster has testified there is no evidence the Soviets have started such a system and that if they do, it will take five years to build it. He now testifies MIRV will be deployed in the middle of next year.

"In other words, the Pentagon is deploying this weapon at least four years in advance of the Soviet deployment it reportedly is a reaction to. If that sounds as fishy to Soviet diplomats as it does to us . . . their generals would inevitably want to press harder with their own multiple warhead testing."

These words are taken from an editorial of last September 11th. Not *a Pravda* editorial. Not even a *Ramparts* editorial. It is the *Wall Street Journal*, which points out that our military planners share responsibility for an arms race that devours the resources needed for domestic problems.

I am aware that a preliminary audit indicates rather than guarantees what the final accounting will reveal. Nevertheless in this one audit I find indicators which bode ill for the American enterprise.

Even in preliminary audits we look for the bottom line. To me it says: American militarism endangers American democracy and American survival. Since a country becomes a military state when the defense establishment assumes or is given a significant economic and political role, we may have already unconsciously become a de facto military state. Presidents change, but the Pentagon grows. Congressmen complain, but the military budget consumes our economic substance. National priorities lean heavily toward death instead of life. Time may prove that we are already over the line and just going through the motions of an illusory democratic process. If so, the communist menace that has bewitched us will prove to be history's greatest hoax.

Perhaps this appraisal miscalculates the risk. Maybe the odds are better than I think they are. But even if there is an outside chance that a military bureaucracy might supplant civilian supremacy or bring on our physical destruction, can we afford to take the chance? Once the formality of militarizing a society takes place there is no cure. Once nuclear explosion or internal collapse occurs, there is no cure. The only cure is prevention.

Businessmen are forced to deal with realistic analyses and projections. We must rely not on what a kindly fate might do, but on what we ourselves can do to prevent undesirable developments. In considering the question of national priorities, my own analysis and projection indicate that we must develop a more balanced attitude toward the foreign and domestic communist threats. Unless we put these into sensible perspective, we are not likely to reduce significantly the military influence and spending which obstruct necessary changes.

Militarism is the inevitable outgrowth of deeply imbedded Cold War myths and anti-communist paranoia. Until we purge the paranoia and discard the myths, that potentially fatal disease—American militarism—will continue to infect our body politic and continue to ward off sane and healthy national priorities.

THE OIL INDUSTRY

Mr. DOLE. Mr. President, on page 6485 of the CONGRESSIONAL RECORD of March 9, the senior Senator from Wisconsin (Mr. PROXMIRE) placed an article entitled "The Oil Lobby Is Not Depleted," written by Erwin Kroll. The article, which was published in the New York Times Magazine of March 8, was characterized as a "thorough and clear exposition of the oil industry's political power." I hope and trust that Senators who have read the article or who will read it will keep in mind that, instead of its being thorough and clear, it is indeed filled with innuendo, half-truths, and phantom sources of information, such as references to "reputable economists," "experts," "many Americans," and "congressional sources."

Mr. President, at the outset, I should like to note that any article based on such sources should be discounted and, better yet, ignored. However, I cannot ignore it entirely inasmuch as the author has seen fit to allude to my State of Kansas in one or two respects. In the article, the author states:

> Last year the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own State's Senators to support the Proxmire plan.

In truth, Mr. President, when the Kansas association presented its testimony on the tax reform bill to the Senate Finance Committee, it did not see fit to endorse the Senator from Wisconsin's depletion-cutting bill, referred to above. In fact, the only testimony in the record of the Senate Finance Committee favoring the Proxmire bill was presented by the senior Senator from Wisconsin.

In another section of the article, Mr. Knoll refers to the fact that four Governors called on White House aides on November 7. According to the author, they appeared on behalf of the Interstate Oil Compact Commission—one of these Governors was the Governor of the State of Kansas, the Honorable Robert B. Dockir.g—to urge the retention of the "11-year-old system of oil import quotas." To the best of my knowledge, this latter statement is correct. However, Mr. President, I hasten to add that earlier, a group of Governors from New England, headed by the Honorable Kenneth M. Curtis, of Maine, likewise came to Washington to urge the executive department to approve the proposed foreign trade zone in Machiasport, Maine, which they considered to be in the best interest of New England. I see nothing wrong with either group of Governors petitioning the Federal Government on behalf of their constituents. The thing I do see that is wrong is for the author of this article, by innuendo and otherwise, to imply that there is something sinister and wrong in these four Governors carrying their story to the proper officials in the executive department.

Mr. President, this is quite a lengthy article, and I do not desire to delve into its many inaccuracies to any large extent. However, I would like to set the record straight as to some of its obvious errors.

The author states:

> The result of these (tax) privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the *average well*. (Emphasis added.)

The fact is that some successful wells might well recover over 19 times their original investment. However, the Department of the Interior's study released in 1968 entitled "U.S Petroleum Through 1980," states:

> Even a large percentage of "successful" leases over their lifetime will fail to produce sufficient revenue to permit them complete recovery of investment. It has been estimated that of *100* new field wildcat wells drilled in search of oil or gas no more than *3* are likely to be profitable. (Emphasis added.)

The author of this "thorough and clear exposition" obviously does care to cover in his article that the average well computation does not include the fact that 97 out of every 100 wildcat wells produce nothing except a loss.

The article states further:

> The import quota system on the other hand has been estimated by reputable economists to be worth between 5.2 billion and 7.2 billion a year.

Earlier in the article, the author states that oil import quotas cost consumers more than $5 billion a year in higher prices for petroleum products. This week the Assistant Secretary of the Interior, Hollis M. Dole, testified before the Subcommittee on Mines and Minerals of the House Committee on Interior and Insular Affairs and stated that the cost of this national security program to the Nation as a whole is currently about a billion dollars a year or about one-tenth of 1 percent of our gross national product. This figure varies considerably from that of the "reputable economists."

The article also states that the oil industry's "average profit of 9 percent—based on net sales—is about double the average for all manufacturing companies." This is an obvious attempt to distort the earning picture of the petroleum industry by hatching an unwarranted earnings comparison with other industries. In fact, based on the Securities Exchange Commission and the Federal Trade Commission approved method of determining profits; that is, "return on net assets" during the last de-

cade, except for the year 1961, the petroleum industry's return on net assets was lower each year than all manufacturing industries.

The article also declares that Sherman Adams, who was "Deputy President" in the early Eisenhower years when the oil import program was instituted—1959—"candidly dismisses the notion that the national security was at stake." Yet, the author proceeds to quote Mr. Adams from his memoirs as follows:

> The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was *based* upon *security consideration* in accordance with the law.

By Mr. Adams' own words, he refutes the author's contention that the oil import program was not based on reasons of national security.

Mr. President, I could go on and on; but I feel that the several points that I have covered here are sufficient to discredit Mr. Knoll's article.

THE CHILD AND THE AMERICAN FUTURE

Mr. McGOVERN. Mr. President, some months ago I delivered an address entitled "The Child and the American Future" to the American Psychological Association convention in Washington.

In it, I sought to describe some of the contrasts between premise and practice which have caused many young people to turn in despair from the society we adults have created and seek to perpetuate. To them the American dream hides a host of ugly realities. Instead of a goal to inspire our energies, it serves as a mask to block our attention.

Most galling of all, perhaps, is our practice of complimenting our youth while denying them any force. "But for a few," we say, "young people today have an idealism and a spirit of involvement that can move the Nation to greatness." But meanwhile we draft them, tax them, and deny them the right to join as full participants in the processes which establish public policy.

The extension of the vote to 18-year-olds will not work miracles, but it will help. I hope the Senate will approve the Mansfield amendment.

Mr. President, because of its relevance to this issue, I ask unanimous consent that the statement be printed in the RECORD.

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

THE CHILD AND THE AMERICAN FUTURE [1]

(By Senator GEORGE MCGOVERN)

In 1677, the Governor of Virginia delivered himself of this prayer of gratitude: "Thank God there are no free schools or printing . . . for learning has brought disobedience and heresy into the world and printing has divulged them. God keep us from both." We not only have books and free education, but, God forbid, television! Indeed, an estimated 3,000 hours are spent watching television before the typical child begins his schooling. What generation of teachers—and parents—has ever faced such formidable competition for the mind of the child?

Maybe Governor Berkeley was right in some ways. Whether it is free books and education and television, I do not know, but there can be little question that modernization, technology, the whole pace of our society has brought us not only thrills, but problems. Some of these problems are comparatively simple in that their solution requires only money and determination. For example, a nation that can reach the moon can surely solve its transportation crisis. We can invent and buy our way out of a problem that we invented and bought our way into.

But the times have also brought us problems that defy easy answers. I would put the current and growing concerns of American youth in this category. This interest affects all our lives, for our children are, of course, the nation's future. By 1975, a majority of American citizens will be under 25. But control, political and social, will still rest with adults. If this nation is to be governed effectively, it is more important to know the minds and needs of our youth than it is to comprehend the stock market or the Pentagon.

There is no formal lobby for American youth. There are no official spokesmen. The media interpret their culture. Their parents attempt to understand it. Our national leaders alternate between viewing youth as the hope of the future or the curse of the Republic.

Recently a half-million young people went to a music festival in Bethel, New York, and stayed three days without adequate shelter or food; the press was amazed to find both tranquillity and drugs. Nearly 80,000 people that same weekend watched professional football 80 miles to the east of the music festival, and no one was amazed to find violence as the main attraction and liquor being consumed eagerly.

The Woodstock festival is worthy of study. It revealed first that the youth rebellion does not always mean disruption. Indeed, the local police chief and his men have outdone each other singing the praises of the young who convened at Woodstock. For three days Bethel was the third largest city in New York State and there were virtually no crimes of violence. In many respects, Woodstock was a lesson in love and brotherhood.

It was a demonstration of the unity of our young people, that they are, in the words of singer Janis Joplin, "a whole new minority group." These young people were "together" and yet they were quite apart from the rest of society.

Finding the mass society lacking, many young people are creating their own culture. They derive a needed sense of belonging from that subculture, not from the larger society. Consider these words from a young man who attended the festival: "I went to Chicago and I found the same thing happening. You'd pass someone young or someone with long hair and you'd smile at each other. Or you'd give the peace sign, or know that he was thinking the same way you were thinking. And like the blacks go by each other and say 'brother.' It gave you that type of unity."

To be sure, Woodstock raises again the question of drugs. Psychotropic drugs are now as much a part of the youth subculture as alcohol is part of adult society. It is long past time when our laws should reflect this reality. What are we to say of a system that jails a teenager for five years for possession of marihuana while permitting men to make fortunes selling cancer in a cigarette pack.

Outstanding men in the psychology profession and associated fields have, fortunately, begun to come to grips with the special concerns of the young, including the young rebels. Men like Kenniston and Erickson and others are pointing to some of the most important factors in the so-called youth rebellion.

But I think the most important thing the profession has told us about our own children is that they are not so much rebelling against life as they are affirming their own view of life. Attitude studies show that our activist youngsters really share many of the values their parents tried to transmit.

But for various reasons, they are not as content as we to compromise and temporize with the goals and values they feel need to be implemented. Perhaps greater wealth and ease of survival are among the reasons for the greater interest in life styles and sensations rather than the once accepted day-to-day demands of getting ahead in the system. The preoccupations with practical monetary and work demands no longer are the focus of young lives. A new generation is turning toward new directions, with little time for transition.

The polarization that makes us somewhat afraid of each other is really the pull of two currents of American history. One direction pulls us back away from the modern age, back toward the conservatism of the first half of the twentieth century toward a mythical past of order and harmony; the other pulls us forward to an equally mythical future of relaxed pleasure and harmony.

I believe that we *can* create a new harmony in this country. It will likely not be the harmony of a young people's music festival, but it can be a constructive national dedication to human dignity and welfare. It can be a society that emphasizes human needs rather than weapons systems, human values instead of bureaucratic interests, the quality of life rather than the volume of technology.

This concern may not affect just the quality of life, it may affect life itself. One scientist warns us that a single massive nuclear attack by any major nation, even if blunted by an ABM system, would produce enough radiation to render our planet uninhabitable within a generation.

But aside from the indefinite nuclear threat, our children are running away from our society. Many, and no one knows how many, are literally running away. Running from comfortable homes to the city centers to be with people of their own life style. There they frequently find trouble and, in too few cases, help.

We have equipped them with the means to sense their dislocation but have provided little to deal with it. They know, for example, that the war in Vietnam is a foolish and self-defeating disaster, and they have tried all the traditional methods of dealing with it and still the war goes on.

Millions of young Americans in the 1960s responded to the leadership of John and Robert Kennedy and Martin Luther King. But three demented men with cheap guns brought about a more dramatic change in our national leadership than the most idealistic and devoted bands of young citizens.

We have raised our children to value the individual, but then asked them to be absorbed into giant bureaucracies that serve themselves before they serve the individual.

We have boasted about the great achievements of our society, about our ability to get to the moon, about our money and our goods and our economic system, and young idealists wonder why 15 million Americans go hungry.

We teach our young people that American history is a glowing example of humanistic concern, of the victory of the underdog, and yet we are frequently identified abroad with repressive military dictatorships that use our money and our guns and sometimes our

[1] Address given to the Society of Pediatric Psychology at the American Psychological Association Convention, under the sponsorship of Division 12, Section 1, Washington, D.C., September 3, 1969.

men to suppress indigenous unrest that does not happen to support the status quo.

We teach our young people that all men are equal; yet in some states the entire delegation to the national presidential nominating conventions is picked by one man. Or again, our federal government sees fit to slow the pace of desegregation in those states that are already 15 years behind the law.

This is the usual litany of complaints of the young—complaints with which I agree—social neglect, racism, a self-defeating foreign policy.

But are these such unusual complaints from any young generation? I think not. Certainly those of us who grew up during the depression joined in crying out against a government that ignored the perils of its citizens. Certainly every younger generation has cried out against official hypocrisy, cried out for brotherhood and peace. What makes our young people different? What makes our young people seek the stimulation of illegal drugs? What impels the formation of communal societies, set up inside, yet apart, from the mainstream of our society? What is the root of the mocking political cynicism that marks so much youthful protest? Why has revolution replaced reform as the rallying call of many young Americans?

As I suggested earlier, it is in part the particular historical moment. We are seeing, I believe, a coalition of forces consisting of an aware young generation and new forces of technology and international politics and national wealth producing a moment of unprecedented change.

Our youth today are better prepared, more perceptive, and less conscious of the need to find a secure position in the society. They have more information, acquired earlier than former generations.

They see, I believe, not only the usual faults of a society, they are also keenly aware of the absurd contradictions between our myths and the realities we live.

Most importantly, they see that not only do we not do enough to fulfill the promise of America for all our citizens but that official policy sometimes retards the fulfillment of those promises.

Perhaps most obvious is Vietnam where this country set out to demonstrate the impossibility of a war of liberation and proved the opposite, where we claim to be advancing self-determination but are actually blocking it. While we have been the rhetorical advocates of reform and modernization in developing lands, we have stood with a repressive military dictatorship in South Vietnam that has never had the support of its own people.

The anger and resentment of youth gathers force from official hypocrisy and foolishness. What must many of our young people think of a President who describes the disaster still cruelly dragging on in Vietnam as America's "finest hour"? Or what are we to say of a Chief Executive who describes the landing on the moon of Neil Armstrong as a feat exceeded only by God at the creation! Incidentally, I drew a special delight from Billy Graham lecturing the President on the theological error in his judgment about the moon shot. It is the worst hour and the most shameful hour in our national history, and every intelligent young person knows it in his blood and his bones—perhaps in part because it is the blood and the bones of the young that are threatened.

Any nation must be concerned about its own security. But surely we must see now that security is more than armaments. We contribute only to our own insecurity by wasting untold billions of dollars on useless weapons like the antiballistic missile system and other proposed gadgets. President Nixon's advisers tried to prepare us for more of this syndrome when they announced that even if peace should break out, there will be no excess in the budget for social programs. And there will not be if we fail to stop the maddening spiral of armaments. But what does the President intend to do with the $30 billion a year now being wasted in Vietnam? Is it possible that he sees no peace dividend because he is planning for more war and preparation for war?

Are there not more fundamental factors in a nation's strength than its arms stockpile? Consider, for example, the erosion of national defense stemming from malnutrition. Does it make sense to allocate $10 or $25 billion or $100 billion to a highly doubtful missile defense and then permit bad diets to render 15 million Americans defenseless against hunger? What price are we paying for the brain damage to unborn infants caused by the malnourishment of the mother? What is the cost of retarded intellectual and emotional growth resulting from bad infant diets? Can it be true as Dr. Charles Lowe told my Senate Select Committee on Nutrition and Human Needs that half of the mental retardation among the poor families of this nation is caused by malnutrition! If so, has not our missile defense system already been penetrated by a deadly and dangerous foe?

As the young perceive, it is not even enough to talk about reordering priorities. That is an obvious need. But we must part with a whole set of outworn myths about government programs. It is not enough to spend more money in search of a better, more unified society; it is necessary to learn how to spend that money wisely. It is not enough to regret that the federal government spends more money on highways than it does on education. The more basic question is whether we have to develop either a rational system of education or transportation.

It is the stated policy of our government—and it has been stated policy for many years—to rebuild our cities, to eliminate urban blight. Yet our cures have been worse, in many cases, than the disease. In urban renewal programs, we did construct new buildings and provide expensive homes for the middle class. But in so doing we have crowded the poor into fewer homes. We have simply intensified and relocated urban blight.

Last year, the federal government spent slightly more than $5 billion on welfare programs. In doing so we penalized families with a "man in the house," thereby increasing broken homes and social dependence. It provided no incentive to work and thereby fed the problem it sought to solve. The Job Corps program sought to train young men for productive jobs to end their alienation from society; yet more often than not the jobs were not there, and now we have all but given up on the Job Corps effort.

It is the quality of our responses to problems, not just the problems themselves, that are in part the explanation for the alienation, the cynicism, the rage of our young people. It is also a cause of the rage of American minority groups. Increasingly, I believe, it is the source of discontent among middle-income wage earners.

Young Americans in the 1950s, when I was a college professor, were called the "silent generation," and the nation bemoaned their silence. In the early part of this decade that silence turned to activism and we were all encouraged. But now activism has become agitation and we are bewildered. I think by our inaction, by our feeble solutions to real problems, we have denied the hope that bred that early activism.

It seems to me that at least part of the answer both to the mocking rage of the young and the discontent of others in our society is a new national affirmation of the worth of individual human life.

Our young people can accept that which is of genuine worth, but they cannot embrace what we ourselves have found empty.

Archibald MacLeish, speaking at the University of California, said this of the younger generation:

"It is an angry generation, yes, but its resentment is not a resentment *of* our human life; but a resentment on *behalf* of human life, not an indignation that we exist on the Earth but that we permit ourselves to exist in a selfishness and wretchedness and squalor which we have the means to abolish."

Our young people have found the most serious shortcomings in our society. The best of these young Americans can help lead up into the light of a new day.

TRIBUTE TO GEORGE J. BURGER, VICE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Mr. BIBLE. Mr. President, it was my pleasure recently to present an award on behalf of myself, as chairman of the Senate Small Business Committee, and the distinguished senior Senator from New York, the ranking minority member of the Senate Small Business Committee (Mr. JAVITS), to a man who has spent more than 30 years on Capitol Hill pursuing the best interests of his favorite people: the millions of American small businessmen.

This man is George J. Burger, vice president in charge of the Washington, D.C., office of the National Federation of Independent Business. I believe this award, presented on the occasion of a Capitol reception honoring the 20th anniversary of the establishment of the Senate Small Business Committee, speaks for itself.

Mr. President, I ask unanimous consent that the text of the remarks and the text of the award be printed in the RECORD.

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

REMARKS BY SENATOR ALAN BIBLE, DEMOCRAT, OF NEVADA, CHAIRMAN, SENATE SMALL BUSINESS COMMITTEE, IN PRESENTATION TO GEORGE J. BURGER, VICE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, U.S. CAPITOL, FEBRUARY 18, 1970

It gives me a great deal of pleasure, as a part of the Senate Small Business Committee's birthday party today, to salute a man who has been one of Capitol Hill's most familiar and best loved figures for some 30 years. That gentleman has been the real Mr. Small Businessman on Capitol Hill for more years than our Committee has had birthdays. Any Senator or Congressman over that span will give testimony to his persuasiveness, his clarity, his good humor and his perseverance in keeping his eye on the goal he sought—a better break for the nation's small businessman—all 5½ million of them.

That man is George J. Burger, Vice President in Charge here in Washington, D.C., of the National Federation of Independent Business, Inc.

George Burger's achievements read like a Small Businessman's anthology. His successful efforts in advocating establishment of a permanent Senate Small Business Committee 20 years ago this February 19, his persuasive activities in supporting organization of the Small Business Administration several years later, his special diligence in encouraging enactment of the Small Business Tax Adjustment Act of 1958, and many other significant accomplishments.

George Burger came by his capabilities naturally. He was schooled in the competitive marketplace of small business himself for 25 years as a retail tire dealer in New Jersey and New York. He has been a friend

and a helper to both sides of the political aisle on both sides of this Capitol. He has drafted small business plans for national platforms of both political parties—he has served as a Senate Committee small business consultant and as an adviser to the President's Council of Economic Advisers.

Mr. Burger, it is with a deep sense of personal pride on behalf of all your friends that I make this presentation as a token not only of the deep affection Capitol Hill holds for you, but as a memento of the achievements you have accomplished for your favorite people—the millions of American small businessmen from Maine to Hawaii. . . We salute you as *Mr. American Small Businessman Emeritus Par Excellence . . . Congratulations!*

TEXT OF AWARD CERTIFICATE

Know all men by these presents that the Honorable George J. Burger, Vice President and Board Member of the National Federation of Independent Business, is hereby honored and commended for his unceasing efforts over the past 25 years on behalf of the Nation's small business enterprises. Significant among the many contributions he has made, which are herewith gratefully acknowledged, are: his successful efforts to create in the United States Congress permanent Select Committees for Small Business; his untiring endeavors which resulted in the creation of the Small Business Administration; his special efforts in the Congressional enactment of the Small Business Tax Adjustment Act of 1958; and many other significant accomplishments in his efforts to represent the small business community in the Halls of Congress. Mr. George J. Burger is intimately acquainted with the problems of small business by virtue of his being a successful small businessman in his own right.

Therefore, without reservation, do those assembled herewith honor George J. Burger for his many accomplishments and continuing efforts as a persuasive advocate for the American small businessman.

Presented on this Eighteenth Day of February in the year of our Lord 1970.

SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE.
ALAN BIBLE,
U.S. Senate Chairman.
JACOB JAVITS,
U.S. Senate Ranking Minority Member.

DEATH FELLS MR. BIG THICKET, LANCE ROSIER

Mr. YARBOROUGH. Mr. President, the report of the death of Mr. Lance Rosier of Saratoga, Tex., brings great sadness to the hearts of all who knew and loved this quiet, gentle conservationist, and naturalist.

Lance Rosier was Mr. Big Thicket. For more than 70 years he lived in and learned in the Big Thicket, perhaps as no other person will ever know that beautiful part of Texas. He knew parts of the Thicket which are now only distant memories.

Lance Rosier was the region's official, self-taught naturalist. He was a patient guide and teacher to those of us who visited and admired the beauty of the Big Thicket, and he enriched the lives of thousands with his quiet lore of the Thicket's natural wonders. He touched our hearts when, his voice filled with sadness, he recounted the ways in which his Big Thicket was being destroyed. He asked whether something might be done to save the Big Thicket so that others might follow where he had walked and that they might wonder at the precious gift nature had bestowed upon this land.

Lance Rosier, this grand old man of the Big Thicket, was slight of stature and soft of word, but his spirit soared higher than the tallest cypress in that virgin wilderness.

It is fitting that Lance Rosier will be buried at Felts Cemetery, between Saratoga and Thicket, Tex., which is the closest possible place one can finally rest near the Big Thicket.

Mr. President, the greatest tragedy of this fine man's death is that he did not live to see his dream that the Big Thicket would be preserved as a national park come true. It is my most fervent hope that the Congress will enact the legislation to perserve the Big Thicket in memory of the man who loved it so and whose loss we mourn today.

AMERICAN AGRICULTURE

Mr. McGOVERN. Mr. President, the Senate Agriculture Committee is presently holding hearings on legislation to replace the existing farm commodity programs when they expire at the end of this year.

The programs are currently in disrepute in some quarters. It is frequently suggested that farmers should be left to their own devices in unfettered commodity markets. Considering the inadequacy of their returns under the programs, it is understandable that many farmers themselves are also exploring alternatives.

It would be disastrous for consumer and farmer alike, however, if we repeated again our past experience of forcing agriculture to rely on boom or bust market cycles. It is nonsense to suggest that the family farm system could survive, or that we could have reasonably stable food prices in this country, if producers were left without government help in managing their supplies to fit effective demand.

The farmer has little to say about the prices of what he buys. As a consumer he operates in organized and controlled markets. As a producer, on the other hand, he has as yet been unable to exert a significant degree of influence over supplies or price levels. Millions of farmers, planning independently, have not yet developed the means of bargaining with the rest of society.

The question of whether this goal will or can be attained is most relevant to our consideration of Federal farm programs this year. No doubt most of us—farmers included—would prefer a system in which producers could control their own marketing structure to eliminate the need for Government help.

In an article published some time back in the Journal of Cooperative Extension, Prof. Denton E. Morrison of Michigan State University has examined the outlook for progress in this area. Because it is both highly informative and timely, I ask unanimous consent that his piece, entitled "Farm Bargaining Problems and Prospects," be printed in the RECORD.

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

FARM BARGAINING PROBLEMS AND PROSPECTS

(By Denton E. Morrison)

(NOTE.—Denton E. Morrison is Associate Professor, Department of Sociology, Michigan State University, East Lansing, Michigan. This article is published as Michigan Agricultural Experiment Station Journal Article No. 4355.)

(There are five requirements for the farmer's ideal bargaining situation, according to the author: no alternative supply for the buyer (processor, consumer), indefinite duration of buyer demand, strong farmer desire to bargain, willingness of both sides to negotiate, and legality of the bargaining process. The author discusses the problems involved in meeting these requirements in view of the farmer's present situation. He then suggests three ways to work toward these five ideal conditions.)

Attention in the agricultural community is increasingly being focused on farm bargaining. All the general farm organizations and many special commodity groups are talking more and more about bargaining; and they are setting up subsidiaries and mechanisms for bargaining. The farm press is devoting substantial space to articles about bargaining. We are accustomed to hearing discussions of the role of government in agriculture, but nowadays we are more likely to hear specific discussions of government in farm bargaining.

What are the problems which farm bargaining organizations face? What are the chances that such organizations will be successful in improving the farmers' economic situation? In this analysis I hope to make a contribution to answering these questions by examining both the theoretical requirements of successful bargaining and the current situation.

Farmers are becoming painfully aware of their declining political power, both in terms of voting numbers and of elected representatives. Further, they recognize that their own economic problems are partly caused by the way other highly organized segments of the economy, such as labor, can increase the "cost" side of the farmers' cost-price squeeze. Farmers are in a mood to search for new modes of organization to help them adequately relate to a society in which the fortunes of individuals are increasingly tied to the fortunes of large scale organizations—voluntarily and otherwise.

Farmers are looking to colleges of agriculture for help and guidance in achieving new modes of organization. And, somewhat slowly, the colleges are responding. Colleges of business and schools of labor and industrial relations are much more concerned with the *organizational* problems of their sectors of the economy than are colleges of agriculture. Colleges of agriculture have stressed individual accomplishments through better farm management and technological efficiency. This emphasis has brought about fantastic strides toward solving the food supply problem; unfortunately it has not solved the economic problems of the majority of food producers.

THE IDEAL BARGAINING SITUATION

A bargaining organization is a group of sellers acting together to influence buyers to meet the sellers' terms. Typically, but not always, the methods of influence involve actual or threatened curtailing of supplies to the buyer. This, however, is only the "negative" aspect (for the buyer) of the way sellers influence buyers. On the positive side, sellers can influence buyers by coordinating production and product flow and guaranteeing product quality. Thus, not all bargaining is in terms of price, though price is frequently the most immediate concern of a bargaining organization.

We can proceed best in this discussion if we set up a model of an ideal bargaining situation—from the standpoint of the bargain-

ing organization. Then by looking at the way farmers match up to this model we can better assess the specific problems farmers may encounter in bargaining and what the prospects for successful bargaining are.

In this ideal bargaining situation the following conditions exist: (1) Buyers have no alternatives for supply other than the sellers in the bargaining organization (this implies that sellers control all the supply); (2) buyers maintain their demand for the product indefinitely; (3) sellers have their economic aspirations focused sharply on the price of their supply (they don't have alternatives for reaching their economic aspirations); (4) further, both sellers and buyers are willing and able to negotiate; (5) finally, the bargaining is publicly (legally) sanctioned and facilitated.

No Alternative Supply

The buyers have no alternatives for supply other than the sellers in the bargaining organization. This implies that sellers control all the supply. A bargaining organization can, obviously, be effective even if its membership does not produce *all* the supply. But its effectiveness is closely related to the *proportion* of the supply its membership produces. Since in this country a relatively small percentage of farmers produce a relatively large share of the food supply, it follows that the *quality* of the membership of a bargaining organization is going to be more crucial than its *quantity* of members.

In this respect studies consistently show that bargaining organizations (for instance, National Farmers Organization) tend to recruit farmers who are above rather than below the average of all farmers in terms of size of farm operation, gross sales, etc.[1] Still, there is no doubt that recruiting and maintaining enough of the right type of members is a fundamental problem for any bargaining organization. Many farmers say they would join a bargaining organization if they knew it would be effective. Other farmers do not join because they hope they can be "free riders" in case the organization is effective; they want to obtain the benefits of bargaining without paying the costs. Both classes of farmers are the producers who create supply alternatives for buyers. As long as the proportion of farmers in these classes is substantial, the ineffectiveness of farm bargaining will be guaranteed, since no bargaining organization can be effective unless and until farmers join in substantial numbers.

Even if the bargaining group's proportion of supply were high enough to put the squeeze on processors when the supply was withdrawn, this squeeze would not be effective unless the bargaining organization could coordinate and control such a withdrawal. Drastic, periodic disposal control as well as day-to-day disposal of supply (in line with negotiated agreements with buyers) is not likely to be possible in the long run unless production is also closely controlled. Farmers often won't join or fully participate in a bargaining organization because they are unwilling or unable to allow control of their production or of its disposal. There are economic, attitudinal, and organizational factors involved.

Economically, farmers are owners, laborers, and managers all rolled into one. When a farmer holds his product from the market he loses more than just his labor, particularly because his product is often perishable. (This further points up the necessity of production as well as disposal controls in farm bargaining.) Because the farmer is typically a small businessman he does not have huge reserves of capital or endless access to credit. Also, current farm bargaining organizations do not have "strike" funds for him to draw on.

Evidence from surveys in Michigan and Wisconsin sheds some direct and indirect light on farmers' attitudes which are relevant to farm bargaining.[2] Farmers most often see themselves in the role of businessmen and are not highly attracted to the notion of acting like laborers—the instigators of the collective bargaining idea. Farmers view themselves as rugged individualists, valuing individual freedom of action and free enterprise. They resent controls and discipline, whether imposed by government or a voluntary organization. Further, many farmers view food as a sacred product. They are morally reluctant to reduce production or control disposal of their production when there are starving people in the world.

The tough-minded, coercive acts which are an actual or threatened part of all bargaining actions, and which are often directed at other farmers as well as at buyers, are simply foreign to most American farmers. Farmers value highly traditional rural organizations such as the family and the neighborhood; and there is no doubt that new rural organizations, such as bargaining organizations, temporarily or even permanently threaten and sometimes dissolve family and neighborhood ties. In short, farmer's attitudes in general are not conducive to the requirements of farm bargaining. Farmers endorse the idea of bargaining in theory, but completely they are not well prepared to behave as bargainers. They do not seem willing to accept the fact that organizational attempts to solve their income problems will inevitably involve individual costs, risks, actions, and commitments. Of course this may change, particularly if the economic situation of farmers deteriorates. But our research suggests that NFO members, for instance, are more different from other farmers in attitudes than in any other characteristic.[3]

Controlling the supply of food will require great organizational skill and sophistication, including considerable management skill. A farm organization is made up mostly of volunteer and part-time leaders and of members widely scattered geographically. Can such a group achieve the kinds of organizational programs and the degree of organizational control, coordination, and discipline necessary to relate in power terms to the well-oiled, skillfully managed, and closely coordinated food processing and retailing industry? Only time will tell. However, with time there are fewer farmers to organize. Those farmers with production worth bargaining with are increasingly educated, more experienced in large scale organizations (including farm and nonfarm bargaining organizations), and more experienced in leadership and management roles.

On the whole, however, the problem of controlling an adequate proportion of supply to influence processors is one of the most severe that bargaining organizations face. The prospect is that this problem will not be quickly or easily solved.

Indefinite demand

The buyers maintain their demand for the product indefinitely. We have some recent instances in the newspaper business where buyers (in this case buyers of employee services) have simply folded up and gone out of business because the sellers' price and other demands could not be met. The terms of the sellers must not be too severe. This would appear to be particularly true in agriculture. Agricultural processors and retailers have their buyers—the consumers. Consumers have many supply alternatives and can, when faced with a price increase for a given product, often lower their demand longer than producers can lower the product's supply. This may mean that processors cannot maintain their demand, and that producers would gain little even if they control the supply.

Thus, in the long run higher prices and higher income for farmers are not necessarily the same thing. They will not be the same if demand at the consumer level shifts to substitute products or if higher price incentives make supplies increase. Farm bargaining cannot involve just farmers bargaining with processors, but will inevitably involve farmers bargaining and competing against each other. The picture becomes even more complex when substitute products and alternative supplies are available through foreign imports and synthetic or "imitation" products. Further, there is nothing to prevent processors and retailers from going (or going further) into the production business themselves, thus insuring the stability of their supply.

Strong farmer desire

Sellers have their economic aspirations focused sharply on the price of their supply. They don't have alternatives for reaching their economic aspirations. Of course it is only if farmers have economic aspirations that you will have a bargaining organization at all! Most farmers are dissatisfied with their income, but many farmers are not dissatisfied enough to do anything very drastic. Farmers value farming as a "way of life" and are willing to settle for less income to obtain the other benefits that farming provides. Or at least many farmers are unwilling to sacrifice other things they value, such as their freedom, in order to obtain more income. These statements are perhaps particularly true for older farmers—of which there is a high proportion. Many older farmers simply do not want to "rock the boat" and are content to "ride it out" until retirement.

Assuming a farmer is highly dissatisfied with his income *and* is willing to do something about it, there are several things he can do *other* than participate in a bargaining group. He may try to employ better technology, become more efficient, or be a better manager and thus produce more or produce it cheaper. He may, if he is young enough and has the education and the location, get a part- or full-time job off the farm. Both of these are less risky ways of increasing income than joining a bargaining organization.

In a bargaining organization the farmer faces the risk that the organization won't succeed, as well as the social costs and risks of becoming affiliated with a militant group. There are encouraging factors however. Farmers increasingly *do* have higher income aspirations, as they compare their incomes with urban workers rather than with their farm neighbors. Further, neither the age nor the education nor the attitudes of most farmers make the off-farm work alternative attractive as a long run solution. Moreover,

[1] Denton E. Morrison and Allan Steeves, "Deprivation, Discontent, and Social Movement Participation: Evidence on a Contemporary Farmers' Movement, the NFO," *Rural Sociology*, XXXII (December, 1967) 414–34.

[2] Dale Hathaway *et al., Michigan Farmers in the Mid-Sixties: A Survey of Their Views of Marketing Problems and Organizations* (East Lansing: Michigan Agricultural Experiment Station, Research Report 54, August, 1966), especially pp. 1–9, 17–37, 40–62, and 74–76; also Denton E. Morrison, "Michigan's General Farm Organizations," *Michigan Farm Economics* CCLXXXI (June, 1966), 1–3. The Wisconsin study and findings parallel closely as well as supplement the Michigan research but the relevant Wisconsin findings are laregly unpublished to date. For a preliminary report of the Wisconsin research see: W. Keith Warner and Donald Johnson, "Wisconsin Farm Operator Survey, 1965, a Preliminary Report," University of Wisconsin Department of Rural Sociology, Madison, Wisconsin (mimeographed).

[3] Hathaway, *et al., op. cit.*, pp. 48–62; also Morrison, *loc. cit.*

the short-run gains from further efficiency, better management, and new technology are not very dramatic for most scales of farming operation. Most farmers have relied on these solutions in the past and have not found them sufficient to solve their income problems.

Possibility of negotiation

Sellers and buyers are willing and able to negotiate. There is no reason why buyers should be willing to negotiate prices until they are convinced that sellers have substantial production, control over that production, and adequate organizational skills to negotiate and keep bargaining contracts. Many farmers have two kinds of mistaken beliefs in this regard.

In the first place, many farmers seem to believe that if they can cut off supplies to a buyer they will force him to negotiate and that a fruitful contract (for farmers) can be negotiated. But a buyer has no assurance that just because a bargaining association can temporarily cut off supplies that its members can subsequently deliver the quantity and quality of production specified in the contract. Surely no buyer will agree to buy *endless* supplies of a commodity at some higher price than he previously paid.

Who will decide how much each member of the bargaining organization will sell? Can a voluntary organization of producers regulate production when the federal government has had problems with such efforts even with the full force of the law at its disposal? Possibly so, but this consideration suggests the necessity of further legal specification and facilitation of farm bargaining.

Another mistaken belief is that processors are getting fat profits off farmers and that bargaining contracts will let farmers simply and substantially dip into these profits. Either this idea is believed or the idea that the higher prices can be passed on to consumers. Both views are too simple. The gains that can be expected of successful farm bargaining will likely be much less dramatic and much more gradual than most bargaining enthusiasts envision. The persons who do the negotiating for a bargaining organization can expect to spend a good deal of their time talking with the bargaining group's leaders and members. They will have to explain the economic problems of the opposition—processors and retailers. It will require a long education process before farmers will be able to negotiate realistically and effectively.

Legality of bargaining

Bargaining is publicly (legally) sanctioned and facilitated. Groups are not legally free to organize for bargaining in every society. In our own, some groups are prohibited from organizing to bargain. While the Capper-Volstead Act legally grants farmers the basic right to organize for bargaining, the specific legal limits, methods, and mechanisms for bargaining are not sufficiently spelled out. For instance, there is no law requiring a buyer to negotiate with an organization of sellers under specified conditions of seller membership or production strength. There are, in addition, no laws prohibiting buyers from discriminating against sellers who try to form a bargaining group. The sanctions which a bargaining group can legally use to control and discipline its own membership are not clear.

Currently there is much legislative activity aimed at remedying some of these points; the outlook is somewhat encouraging. But many farmers, including farm bargaining organization leaders, do not appreciate the importance of further public sanctioning and facilitation of farm bargaining activities. Unless the ways and means are legally spelled out it is doubtful that meaningful bargaining can take place.

CONCLUSION

These are the requirements of an ideal bargaining situation from the standpoint of the bargaining organization; and here also are some of the facts and problems about farm bargaining organizations which must be considered in assessing how they approximate the ideal. In order to move toward solutions of problems connected with farm bargaining it is suggested that the highest immediate priorities should be as follows: (1) coordination of farm groups' efforts in obtaining further legislation to facilitate bargaining; (2) continued, intensified, and perhaps publicly sponsored dialogue among leaders of farm organizations aimed at increasing understanding of bargaining as well as increasing membership strength in bargaining organizations; (3) publicly sponsored programs for educating farmers, farm leaders, and others in the agricultural community about bargaining. These programs should be a major responsibility of Land-Grant Colleges and should be supplemented by whatever research and extension activities are necessary to produce and diffuse knowledge relevant to farm bargaining.

If the achievement of successful farm bargaining seems impossible, we should remember that a generation ago the agricultural technology and production of today would have been impossible for most farmers to comprehend. All of American society has undergone a technological revolution in the past two or three generations. Most of American society has undergone an organizational revolution: today most live their lives in and through large scale organizations.

The organizational revolution is just starting in agriculture. We can rest assured that the organization of agriculture will be dramatically different 50 years from now. Strong bargaining organizations will be an important part of this changed picture only if farmers, farm leaders, and others concerned with the agricultural community understand the requirements of bargaining and work earnestly to approximate these requirements.

ECONOMIC STABILITY AND GROWTH

Mr. HARTKE. Mr. President, the long-term health of a modern industrial economy is dependent upon its ability not only to grow but to distribute equitably the fruits of that growth. Through most of our history the American economy has admirably met those tests. But it is not now doing so.

As the marks of present economic distress multiply and the portents of recession loom large enough for even the Federal Reserve Board to discern, some of our best analysts are making the point that the standard remedies have lost their potency. A description of what ails us is not to be found in the textbook for an introductory course in college economics—and neither is the remedy. We desperately need bold, innovative thought about the nature of the late 20th century economy.

One of the most stimulating and provocative economic analysts we have today is Dr. Pierre A. Rinfret, of Rinfret-Boston Associates, Inc., New York. Just this morning Dr. Rinfret demonstrated how stimulating and provocative he can be, in testimony he presented to the Subcommittee on Stabilization and Production of the Senate Committee on Banking and Currency. I was pleased to have a chance to read his testimony and chat with Dr. Rinfret early this afternoon. Though we are by no means in agreement on every point of his diagnosis and prescription, I am convinced that he has done a really valuable piece of work, one that would repay the closest study on the part of all of us who are uneasy about the state of the economy.

Mr. President, I ask unanimous consent that Dr. Rinfret's testimony be printed in the RECORD.

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

STATEMENT BY DR. PIERRE A. RINFRET—"ECONOMIC STABILIZATION: THE PROBLEM AND A PROGRAM"

The prerequisite for sustained economic growth and sustained equity in distributing the rewards of economic growth is economic stability. For four years these goals have been placed in ever greater jeopardy by an accelerating loss of control over the American economy. In the fourth quarter of 1965, America's actual production of goods and services exceeded her theoretical potential capacity to supply goods and services. Only four years later, in the fourth quarter of 1969, did actual production fall back to potential capacity. The results of these four years of excessive demand are: inflation of prices, inflation of costs, and inflation of interest rates.

For four years the American economy has moved into ever greater instability. Vietnam-induced Government expenditure, layered on top of an already fully-employed economy, generated strong inflationary pressures as early as 1966. These pressures, cumulatively intensified by growing Government deficits, ran head on into a restrictive monetary policy unattuned to the realities of the requirements of public finance. The economic slowdown induced by the "credit crunch" of 1966 barely cut into inflation before a monetary policy of extreme ease fed the expansion of 1968 and 1969. The tax surcharge of 1968 proved totally inadequate to stem inflation at the same time as it provided the rationale for an ill-judged turn to even greater monetary ease. Finally, in 1969, a moderately restrictive fiscal policy and an extremely restrictive monetary policy generated the worst of both worlds: inflation accelerated while the economy's ability to expand supply in order to satisfy inflationary demands was choked off.

The aggregate measure of the lack of stability in the American economy is the coexistence of a rising rate of inflation and a rising—if still historically low—rate of unemployment. More specifically, a preponderance of the sectors of the American economy are expanding strongly: power generation, consumer and business services, nonresidential construction, communications, producer durables, consumer nondurables; a few sectors—automobiles and other consumer durables—have been in significant slump and increasingly hurt by imports; one sector—housing—can only be termed a social disaster area. Perhaps most critically, the money and financial economy of the United States is and has been clearly out of step with the real, production economy: the sustained growth in the demand for money and credit is far exceeding both the supply of money and credit and the final demand for goods and services.

Three questions are basic to an assessment of where the American economy is, of where the American economy is going, and of what measures may be required to counteract present economic instability and guard against future instability. The first question is: is the American economy in or entering into a recession. The second question is: is the American economy, through a recession or otherwise, likely to correct its own instabilities. The third question is: to the extent the American economy proves incapable of correcting its own instabilities, are present Government policies likely to be adequate to the task.

IS THE AMERICAN ECONOMY IN A RECESSION?

The American economy, on aggregate, is not in a recession and the possibility of it

suffering a recession in 1970 is small, verging on the negligible. A recession is not defined by two quarters of no growth in real GNP, nor is it defined by two quarters of decline in real GNP. Rather, a recession consists of sustained, substantial and widely-diffused declines in the preponderance of all the relevant measures of economic activity. To determine whether or not a recession exists, the National Bureau of Economic Research—whose judgment is universally accepted—examines nearly 200 different statistical series. Following the same proven methodology, it is clear that a recession does not exist as of this date in the United States.

Moreover, three forces for renewed economic expansion are already coming on stream:

The Consumer: The Tax Reform Act of 1969 provided for a net $3 billion reduction in tax revenues, including the two-step elimination of the surtax, and for a $6.5 billion increase in social security payments. Certainly the increased social security payments will all be spent: people over 65 are net dissavers, annually spending more than 100 percent of their current income. April payments alone, retroactive to January 1, will put new spending into the stream at a $8 billion annual rate. As for the elimination of the surtax, it is likely that the proceeds will be spent as well, as consumers seek to keep pace with inflation. Moreover, the slowdown in consumer' accumulation of debt during the past six months has significantly increased household liquidity, paving the way for a new expansion of consumer credit purchases. The current upturn in the index of consumer buying intentions for automobiles is one lead indicator of this development.

It may be noted that the retail trade figures, on which many pessimistic judgments of consumer behavior have been based, are both statistically inadequate and misleading. The retail trade figures have been barely holding their own as against last year's levels and have been 5 to 6 percent down on last year in terms of volume. But department stores sales are up as high as 13 to 15 percent over 1969. And, in any event, consumer purchases of services are now as great as their purchases of nondurable goods, up from 50 percent of nondurable purchases 25 years ago. But consumer spending on services is reported only on a quarterly basis, with the result that this dynamic element in final demand is consistently neglected in the formation of economic assessments.

Capital Expenditures. The February 1970 Rinfret-Boston Survey of Capital Expenditure intentions indicates that American business is planning to increase its capital spending by 13 percent in 1970 over 1969. This figure is up by one-half from the 8 percent increase reported in our September 1969 survey of 1970 investment plans. This is the leading expansionary force in the American economy. The increases in capital spending plans are greatest in the service industries, especially for the public utility and communications industries. The electrical and other machinery industries are also planning extraordinary gains. And manufacturing industry as a whole, despite the recent slump in automobiles and other consumer durables, is nonetheless planning a 7 percent increase in capital expenditures. With the most significant increases concentrated in the industries which rely most on external financing, these capital expenditure programs wil not only generate stronger than expected levels of economic activity and aggregate income. They will also maintain severe pressure on the sources of external cash and credit: the financial institutions and markets.

Government. This sector of final demand, like the consumer sector, is subject to misleading analysis. As with the neglect of consumer spending on services, so with government spending: the prime dynamic force is often ignored. This is State and local government expenditures. In the second quarter of 1968 Federal and State and local purchases of goods were each $100 billion. In the fourth quarter of 1969, Federal purchases were $102.7 billion and State and local purchases were $116 billion—more than $13 billion greater. Despite the present hold-down on Federal spending increases, the total government sector remains an expansionary force in the American economy.

CAN THE AMERICAN ECONOMY CORRECT ITSELF?

The classic adjustment pattern for an economy suffering inflationary excesses is the recession widely predicted for the American economy. A decline in final purchases of goods, as price increases outrun income increases, induces inventory accumulation and production cutbacks. As the decline deepens, it is decisively accelerated by declines in capital spending an excess capacity is created. Only when prices fall, responding to the surplus of supply over demand, do business and consumer purchases re-expand their buying—thus touching off a new expansionary phase of the business cycle.

The fundamental short-term economic problem today is that this classic adjustment process is *not* taking place. A mild showdown in the purchase of consumer durables has, indeed, forced inventory accumulation and some lay-offs in several industries. But the response of American industry has been swift and is being effective. The critical point to note is that inventories are being controlled and reduced to appropriate levels—before they can feed back to force cuts in capital expenditure plans. On the contrary, capital investment plans are being accelerated as the bulk of American industry seeks the only solution for the problem of building for expansion in the face of costs rising faster than productivity. Industry, looking to the long-run growth prospects of the American economy, is speeding up its efforts to raise productivity. Industry is refusing to take the short-sighted, short-run approach of responding in knee-jerk fashion to every vagary of consumer behavior. This has been our victory: for it is we economists, together with our political leaders, who have sought—successfully—to educate American businessmen to think and plan and act on a long-run basis.

Those who are betting on a recession to "solve" America's economic problems are losing even the first part of their bet. The American economy is not entering a recession. In practical terms a recession would mean cheap and easy money, easily available labor, and cheap raw materials. Despite the slowdown, which Rinfret-Boston Associates correctly foresaw some six months before its advent in the fourth quarter of 1969, none of these results of a recession are apparent. Interest rates are still at historically high levels—and heading higher in our view. Skilled and semi-skilled labor is still in very short supply. And the prices of raw materials are rising more quickly today than six months ago.

Moreover, and of growing importance, the rundown of liquidity in the American economy has not yet been reversed. Consumers have, to some extent, cut back on their accumulation of new debt relative to their acquisition of liquid financial assets. But American business, with its profits being squeezed and its demand for external financing rising to unprecedented levels, is continuing to reduce its liquidity. As well, State and local governments continue to be unable to meet their capital requirements through long-term borrowing because of legal limitations on interest rates payable; their short-term borrowing is accelerating, as is their rundown of short-term assets. And the Federal Government is returning from a brief period of acting as a supplier of substantial sums to the private economy, to again being a net borrower of funds. The American economy is critically short of liquidity. Key sectors and key participants in many sectors are, in fact, virtually insolvent. The position of the Lockheed Aircraft Corporation is duplicated in many other industries and businesses—and in some State and local governments too. A recession would provide the opportunity for a general rebuilding of liquidity and return to solvency. That recession is not taking place.

ARE GOVERNMENT POLICIES LIKELY TO PROVE EFFECTIVE?

It has now become clear that the Administration has identified its Number One priority to be the stopping of inflation. To this end, it has projected—in The Economic Report of the President—three years of low growth of 2 percent per year; less than half of the 4.5 percent projected growth in potential GNP. To this end, it has substantially reduced projected increases in Federal spending. And to this end, the Federal Reserve Board has maintained restraint in monetary policy. To the extent that fiscal policy remains restrictive and monetary policy avoids any semblance of the excessive ease of 1967 and 1968, it *is* likely that the Administration will succeed in moderating inflation during the course of the next twelve months. The direct cost of such success will be measured by increasing unemployment—possibly to the 5.5 percent level at the end of 1970. It is unlikely in the extreme that this success would be sufficient to reduce inflation from its present 7 percent rate significantly below 4 percent per annum.

The Administration's policies and those of the Federal Reserve do appear adequate to moderate excessive aggregate demand. But neither the Administration's policies nor the Federal Reserve's are yet attuned to the critical imbalances and instabilities which have both contributed to and been fed by inflation. Aggregate actions of fiscal and monetary policy are inappropriate and inadequate for dealing with these imbalances and instabilities. They cannot direct funds into depressed industries such as housing, where real demand is enormous but credit is unobtainable. They cannot of themselves rebuild the liquidity of governments and business—or they can do so only through inducing an unacceptable, drastic contraction in the American economy. They cannot open up employment opportunities and overcome the skills shortage. And they cannot affect what is perhaps the most fundamental of imbalances in our financial system: the surplus of credit to finance the consumption of goods and services and the shortage of credit to finance the production of goods and services.

Present Government policies are oriented towards controlling overall demand. They are not oriented towards expanding supply to meet the real and insatiable demands for both public and private goods and services. A realistic program of economic stabilization will begin at this point. It will direct itself to overcoming the foreseen dilemma of having to choose between inflation or recession. And it will direct itself to overcoming, as well, the widely unforeseen dilemma of choosing between inflation and insolvency.

A PROGRAM OF ECONOMIC STABILIZATION

The following points are not exhaustive. Rather, they comprise a series of measures to supplement the present efforts to control aggregate demand by channelling and expanding supply.

1. Reimpose Regulation W by the Federal Reserve Board. Regulation W specifies minimum down-payment and maximum length for consumer installment purchases.

2. Ban further distribution of credit cards by all non-soliciting distributors and ban all such renewals.

3. Reinstitute Production Loan requirements on the commercial banking system, by Federal Reserve Board directive. This

places a requirement that commercial loans be for the purpose of financing production—i.e., be contributions to working capital.

4. Re-enact, as a permanent measure, a 10 percent Investment Tax Credit for the financing of capital expenditures.

5. Advocate and, if necessary, direct that new long-term financing by corporations be through the equity market rather than the bond market. This would re-establish access to long-term debt financing for State and local governments.

6. Establish Federal-State-Local trust funds, on the model of the Highway Trust Fund, for the purpose of financing social investment programs. The Trust Funds would be financed by user taxes—e.g., taxes on automobile commuters for the financing of an Urban Transport Trust Fund.

7. Establish comprehensive and mandatory F.D.I.C.-type insurance for *all* savings institutions.

8. Establish controls on commercial paper borrowings by financial institutions or their holding companies.

9. Establish a program to subsidize, on a comprehensive basis, the extension of mortgage loans, including conventional loans.

10. Extend and widen the "Philadelphia Plan" for opening up monopolistic craft unions to new entrants. If voluntary compliance is not made, end the sanctuary from anti-trust action for unions as regards their control of new entrants into employment.

11. Expand job training and re-training facilities, especially through the President's Welfare Reform Program.

12. Undertake a study of the revenue and economic impact of a National Sales Tax: with particular consideration to the minimization of regressivity and to implications for the fiscal position of State and local treasuries.

One further proposal for dealing with our economic excesses is worth noting: verbal reactions by the President to unreasonable wage and price increases. I myself have advocated "jawboning" in the past, as a first line of defense against an inflationary breakout. And President Nixon has recently moved to exert some discreet degree of moderating pressure on the market place. However, "jawboning" attacks only the symptoms of inflation: it does not attack the fundamental excess demand pressures in the economy, nor does it attack the imbalances and instabilities within the economy. On the contrary, to the extent it succeeds it worsens existing imbalances: first, by denying industries subject to profit erosion the opportunity to generate the internal resources required to finance investment in greater productivity and, second, by denying key sectors subject to inflation the opportunity to maintain their liquidity position in the face of declining real profit or wage income. Given the current coordinated fiscal and monetary restrictions on aggregate demand—the first occasion since 1965 in which the Government's economic policy-makers have been working together in the appropriate direction—"jawboning" as a comprehensive answer to inflation is no longer attractive. This consideration is all the more compelling in the light of the view that "jawboning" itself may serve as a substitute for appropriate fiscal and monetary action.

The thrust of the program offered here is the priority direction of the capital resources of our economy to the production of goods and services and the financing of investment rather than consumption.

In addition, it gives high priority to:

The relief of insolvent and illiquid sectors of our economy, particularly State and local government, financial institutions, and housing.

The funding of social investment programs, without which all plans for improving the quality of life are meaningless but which, through proper funding procedures, can be accommodated without furthering inflation.

The widening of employment opportunities and, thus, the expansion of the supply of skills.

Consideration of a National Sales Tax whose fundamental rationale would be to make greater room in the aggregate of our productive potential for increased private and public investment without inflation.

Together with continued responsibility on the part of our fiscal and monetary policy-makers, this program can free us from the dilemma of ever greater inflation versus severe recession and can allow us to fund our investment needs without generating either further inflation or further insolvency.

CANADIAN OIL IMPORTS

Mr. KENNEDY. Mr. President, the Presidential proclamation of March 10, cutting back imports of Canadian oil, greatly disappointed all of us who believe that the President should take the lead in fighting inflation by reducing the prices consumers pay for gasoline and home heating oil. In addition to raising questions about the President's commitments to the fight against inflation, the proclamation raised important questions about the administration of the oil import program. It is not clear, for example, what evidence the President considered which demonstrated that the cutback was necessary to serve our national security. Therefore, I have written the Director of the Office of Emergency Preparedness to obtain clarification, and I ask unanimous consent that my letter be printed in the RECORD.

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

MARCH 12, 1970.

Hon. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Washington, D.C.

DEAR GENERAL LINCOLN: I am writing to request answers to several questions relating to the Proclamation issued March 10 by the President imposing import restrictions on Canadian oil.

First, is it your opinon that Canadian oil is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security? Have you made your opinion known to the President and in what form? Could you please send me a copy of any report you submitted to the President.

Second, under whose authority was the notice of proposed rulemaking, which appeared in the March 11 editon of the Federal Register (pp. 4335–6), issued? Was it under your authority or that of the Oil Import Administrator?

Third, under what authority and for what cause was Section 4(c) of the Adminstrative Procedure Act suspended and comment time on the proposed rule-making limited to ten days?

Fourth, what is the justification for requirng applications for allocations under the proposed rule to be submitted by March 20, in view of the fact that the comment period ends on March 20?

Fifth, it is my understanding that since the inception of the Oil Import Program, public hearings have been held by the Department of the Interior on proposed regulations and policy involving significant changes in the Program. Included among these have been proposed allocations for refineries in Puerto Rico and the Virgin Islands, and for feedstocks for petro-chemical plants.

Do you consider the proposed restrictions on Canadian overland imports to be less important than the Puerto Rican, Virgin Island and petro-chemical proposals?

Sixth, why have public hearings or opportunity for oral comment not been ordered on a matter of such importance?

Seventh, has the Executive Order establishing the Oil Policy Committee, outlining its powers and responsibilities, been signed?

I would appreciate your prompt response to these questions.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

MARTIN, S. DAK., HOUSING AUTHORITY AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. McGOVERN. Mr. President, Mr. B. B. Hodson, of Martin, S. Dak., is a distinguished constituent of mine. He is the president of the Black Pipe State Bank of Martin, and as a public spirited citizen he is the volunteer chairman of the Martin, S. Dak., Housing Authority.

Almost 10 years ago, the people in Martin conceived a modest low-cost housing program for the elderly. In 1967, they started in earnest and filed an application in the regional office of the Department of Housing and Urban Development in Chicago for 50 units. Over the course of time they were first notified that the entire file could not be located. Later, after compiling a complete new file and after making telephone calls, trips, and supplying additional information, they felt that the file was again complete in March 1969. Earlier this year, Mr. Hodson was again advised that the complete file had again been misplaced, and he was asked again to resubmit for a third time.

These frustrations proved too great for Mr. Hodson, and he composed the following eloquent resignation as chairman of the Martin Housing Authority. I ask unanimous consent that the text of his resignation be printed in the RECORD as evidence of the ultimate frustration of a decent citizen of my State in attempting to deal with the growing bureaucracy of the Federal Government.

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

LETTER OF RESIGNATION

Subject: Tender of resignation.
Hon. MAYOR and COUNCIL MEMBERS,
Martin, S. Dak.:

I hereby tender my resignation as Chairman of the Martin Housing Authority. And I suggest that you consider securing a much younger person for that position. Such a request, of course, deserves an explanation, since it might imply to your good board, that I have something in disagreement with you, this is not so. You have been most co-operative and have done all that any taxpayer could ask for this project.

The reason for the above action is because we have again this week received a severe set back from the Chicago Office of Housing and Urban Development. Specifically, a complete beginning. This in spite of numerous telephone calls made by me this last week, in this regard.

You will recall that Martin began looking for some housing for low income and elderly folks about 10 years ago. The best offer we could find, was for 5 units. Some of you will recall that this offer(?) was re-

jected, since no one felt capable of Solomon's wisdom, in selecting those who should enjoy, and those who much be denied. The many more applications than five, so prompting. . . . some years later, in the spring of 1967, a visit by important representatives of HUD, encouraged us to try again. They acknowledged that there was certainly a need here for at least 50 units of such housing. They prompted you, as a board, to call an election for the purpose of establishing the public approval. This was done in accordance with the new South Dakota State laws, so providing, and due to the promptness on your part, such election was held upon the first legal Tuesday, following such State provision. Following such public (nearly unanimous) support, you then submitted through your legal counsel, one of the first three such applications from this State, for such housing, and directed it to HUD in Chicago.

Time passed, and suddenly changes were adopted, calling for the backing up of all papers, and a new application submission through a newly approved 'State Office' first. . . . The entire project was then removed from its Chicago office, and re-commenced at State Level. . . . Many letters, phone calls, and personal contacts were made. Your own City files will show the multitude to Addendums called for. . . . Then silence. . . .

Another visit to HUD in Chicago revealed that not just parts of the original papers were missing, to which we had grown accustomed, but the entire file was missing . . . But never fear, just make up another complete set, from our original copies, and resubmit, to "My Personal Attention," and "By Golly, it will get special handling, you fellows need that badly, and we will do all we can to get it right out there". . . . By this time Martin was now about 10th on the list in South Dakota . . . Pandemonium! But with a copying machine, and round the clock working, the multitude of copies we reprepared, and "originally" signed by all, and rushed off to HUD. That was on March 10, 1969 . . . A quiver of activity now and then followed . . . "Just get us one more thing," please send us "just one more certification," etc. . . . Then again silence . . .

Another personal visit to HUD in Chicago . . . Low and behold, they don't have the legal transcript! A flurry of phone calls. Oh, yes, we found it . . . But we don't have the 'Co-operative Agreement' . . . We call our Congressmen . . . The next mail brings a large brown envelope, 1½" thick. "Funny thing, but you know, we can't seem to find any of your papers," "Will you please resubmit your entire file?" . . . "If you would just send this copy to "My personal Attention," "By golly I'll see that it gets my personal, special attention," etc.

Honorable Mayor and Councilmen . . . I submit, that at such progress, none of us alive today in Martin will need this project anyway . . . I suggest that we cancel the entire project and send these needy folks to the City, where they are obviously wanted anyway.

I have made some hasty checks, and find that we spent considerably over $100 in paper, postage and phone calls, on this *last* set of papers. (This disregards the many hours of free taxpayes slave-hours, that is expected, of course). Assume that there are 500 employees or more at HUD, and they may each have a pigeon hole (or possibly more). If we must submit one copy to each to assure this project, that comes to $50,000 worth of paper! And more hours of our free time than we can spare from our jobs, if we are to continue to pay the severe income taxes necessary to support these 'Civil Servants.' For surely, if there is anything they like better than to shuffle, file and forget, in paper work, its the folding type paper that they can take home with them! With $50,000 we could probably borrow the rest and build our own housing. I am sure that our taxpayer friends would understand.

This also brings about a second thought. Assuming that this payroll staff at HUD averages $10,000 each (we country boys are naive). That means that this public office probably cost we taxpayers at least $5,000,000 in payroll each year. They seem to be turning out a few projects for approval, but not many. Let's give them the benefit and say they have approved 100 per year, at an office cost then of $50,000 each. We have saved another $50,000 for the taxpayers! Now we are getting close to the total costs of our project!

Putting it another way, we find that this bureaucratic monster has consumed three sets of our forms, and numerous letters, totaling approximately 100 lbs. This monster was able to sustain itself, multiply and remain sterily-static for three years. It probably has application from 3000 projects such as ours, that comes to 30,000 lbs of 'fuel' to sustain such a monster for 3 years! Or 20 lbs of paper, per year, can sustain a $10,000 (?) Federal Servant (?)!! It makes one wonder if our forest can stand up under the onslaught of the entire bureaucracy?

There was a time, many years ago, in my youth, when I remember that a government employee worked for the people who paid the bill, the taxpayer. Somehow things have changed and we taxpayers now find ourselves a slave to a well paid and bureaucratic elite few. We are expected to crawl, beg, conive, and bribe if we are to be favored with a few crumbs to be returned from the billions we give them to *invest* for us! As a veteran, I know that this isn't what I fought for, and I doubt that it was the intention of our forefathers.

But in my own humble way, I'm rebelling, and I'm quitting. I will no longer bow down, beg or humble myself to such an assemblage of leaches. I refuse to feel 'honored' if that bureaucrat 'bestows' some blessings upon me by returning a pittance of my tax dollars to my own community. Nor will I continue to shove paper fuel into the craw of the bureaucratic monster while it shuffles itself into perpetuity!

I apologize for being a quitter. I have never been such before. But I guess I'm getting too old to stomach this treatment further. Perhaps if you can secure a *much* younger fellow to fill my shoes, HE might live to see its fruition. He might even be young enough, not to remember when things were different. He might not know that Civil servants are supposed to 'serve', not just 'take'.

Thanks again for your continued assistance and co-operation. I remain,

Respectfully yours,

BRUCE B. HODSON,
Chairman, Martin, S. Dak., Housing Authority.

ARMY INTELLIGENCE ACTIVITIES

Mr. FULBRIGHT. Mr. President, the January issue of the Washington Monthly contained an article by Christopher H. Pyle with the intriguing title: "CONUS Intelligence: The Army Watches Civilian Politics."

The article began:

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal function is to conduct background investigations of persons being considered for security clearances.

The article involves an issue of fundamental significance for our system of government, based on the theory of civilian control over the military and noninvolvement of the military in politics. I, therefore, wrote to Secretary of the Army Stanley R. Resor on February 2 to ask for his comments on the article and for answers to a number of specific questions.

On February 26 I received a four-page reply from Robert E. Jordan III, General Counsel of the Army, which raised more questions than it answered—and failed to respond to the questions in my letter. Mr. Jordan's letter stated that the Army's "domestic intelligence activity has been to a small degree in the civil sector, but only to focus on civil disorder." According to his reply, the principal function of the domestic intelligence program is in connection with personnel security investigations and related matters, which account for "94 percent of the time of intelligence command field personnel." Presumably this means that the 1,000 Army agents in the United States spend a total of some 2,400 man hours a week gathering intelligence on individuals and organizations that might be involved in "civil disturbances."

The letter went on to state that publication of "an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations," and a computer data bank containing "information about potential incidents and individuals involved in potential civil disturbance incidents" had been discontinued—whether or not the orders came before or after the article appeared, the letter does not say. But according to a news story in the Washington Star of February 28, the information from the computer data bank is still on file.

Mr. President, although, apparently, steps have been taken to curb the distribution of information on civilians who the Army views as potential troublemakers, it appears that the gathering of information on what amounts to political activities continues.

I hope that the Armed Services and the Appropriations Committees will take a hard look at this activity. The Army has no business spying on the political activities of civilians—regardless of how distasteful or outrageous they may be to the military.

I ask unanimous consent that the article from the Washington Monthly, the exchange of correspondence with the Army, and an article from the Washington Star be printed in the RECORD.

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

[From the Washington Monthly, January 1970]

CONUS INTELLIGENCE: THE ARMY WATCHES CIVILIAN POLITICS

(By Christopher H. Pyle)

(NOTE.—Christopher H. Pyle, a Ph.D. candidate at Columbia University, has recently completed two years service as a captain in Army Intelligence. The information in this article comes from briefings he received at

the headquarters of the U.S. Army Intelligence Command, and from the observations of friends and acquaintances who served in intelligence units throughout the United States and Europe. None of it carries a security classification of any kind.)

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal functions is to conduct background investigations of persons being considered for security clearances.

When this program began in the summer of 1965, its purpose was to provide early warning of civil disorders which the Army might be called upon to quell. In the summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power, and antiwar movements. Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement (RAM), but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People.

The Army obtains most of its information about protest politics from the files of municipal and state police departments and of the FBI. In addition, its agents subscribe to hundreds of local and campus newspapers, monitor police and FBI radio broadcasts, and, on occasion, conduct their own undercover operations. Military undercover agents have posed as press photographers covering anti-war demonstrations, as students on college campuses, and as "residents" of Resurrection City. They have been recruited civilians into their service—sometimes for pay but more often through appeals to patriotism. For example, when Columbia University gave its students the option of closing their academic records to routine inspection by government investigators, the 108th Military Intelligence Group in Manhattan quietly persuaded an employee of the Registrar's Office to disclose information from the closed files on the sly.

Typical of the hundreds of reports filed by Army agents each month are the following, taken from the unclassified intelligence summary for the week of March 18, 1968:

"PHILADELPHIA, PA.—A. The Philadelphia chapter of the women's strike for peace sponsored an anti-draft meeting at the First Unitarian church which attracted an audience of about 200 persons. Conrad Lynn, an author of draft evasion literature replaced Yale chaplain William Sloane Coffin as the principal speaker at the meeting. Following a question and answer period, Robert Edenbaum of the Central Committee for Conscientious Objectors stated that many Philadelphia lawyers were accepting draft evasion cases. The meeting ended without incident.

"B. Rev. Albert Cleage, Jr., the founder of the Black Christian Nationalist Movement in Detroit, spoke to an estimated 100 persons at the Emmanuel Methodist Church. Cleage spoke on the topic of black unity and the problems of the ghetto. The meeting was peaceful and police reported no incidents."

"CHICAGO, ILL.—Approximately 300 members of Veterans for Peace and Women for Peace held a peaceful demonstration at the Museum of Science and Industry protesting an exhibit by the U.S. Army. Several demonstrators entered the building in spite of warnings by museum officials and 6 were arrested on charges of disorderly conduct, resisting arrest and criminal trespassing. Five of those arrested were juveniles."

To assure prompt communication of these reports, the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation.

The Army also periodically publishes an eight-by-ten-inch, glossy-cover paperback booklet known within intelligence circles as the "blacklist." The "blacklist" is an encyclopedia of profiles of people and organizations who, in the opinion of the Intelligence Command officials who compile it, might "cause trouble for the Army." Thus it is similar to less formal lists which the Department of Health, Education, and Welfare has maintained to exclude politically unpopular scientists from research contracts and consultant work.

Sometime in the near future the Army will link its teletype reporting system to a computerized data bank. This computer, to be installed at the Investigative Records Repository at Fort Holabird in Baltimore, eventually will be able to produce instant print-outs of information in 96 separate categories. The plan is to feed it both "incident reports" and "personality reports." The incident reports will relate to the Army's role in domestic disturbances and will describe such occurrences as bombings, mass violence, and arms thefts. The personality reports—to be extracted from the incident reports—will be used to supplement the Army's seven million individual security-clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military.

In this respect, the Army's data bank promises to be unique. Unlike similar computers now in use at the FBI's National Crime Information Center in Washington and New York State's Identification and Intelligence System in Albany, it will not be restricted to the storage of case histories of persons arrested for (or convicted of) crimes. Rather it will specialize in files devoted exclusively to descriptions of the lawful political activity of civilians. Thus an IBM card prepared many months ago for the future computer file of Arlo Tatum, executive secretary of the Central Committee of Conscientious Objectors, contains a single notation—that Mr. Tatum once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors.

Because the Investigative Records Repository is one of the federal government's main libraries for security clearance information, access to its personality files is not limited to Army officials. Other federal agencies now drawing on its memory banks include the FBI, the Secret Service, the Passport Office, the Central Intelligence Agency, the National Security Agency, the Civil Service Commission, the Atomic Energy Commission, the Defense Intelligence Agency, the Navy, and the Air Force. In short, the personality files are likely to be made available to any federal agency that issues security clearances, conducts investigations, or enforces laws.

Headquarters for the collection and coordination of this information is a wire-mesh "cage" located inside a gray metal warehouse at Fort Holabird. The official designation of the office is "CONUS Intelligence Branch, Operations IV, U.S. Army Intelligence Command." CONUS is the Army's acronym for Continential United States. Direction of this program is in the hands of Major General William H. Blakefield, head of the U.S. Army Intelligence Command at Fort Holabird. Established in 1965, the Command coordinates the work of a number of counter-intelligence "groups" formerly assigned to the G–2 offices of the major stateside Army. Accordingly, its principal function is not to collect intelligence but to protect the Army from espionage, sabotage, and subversion. Its main job is to investigate persons being considered for security clearances and to inspect military installations for adequate physical, wire-communications, and document security.

CONUS Intelligence Branch, also known as "Ops Four," is commanded by a major and run by a civilian. They supervise the work of about a dozen persons, who work in shifts around the clock. Most are WAC typists who operate the teletype consoles that link the Intelligence Command to the Pentagon and to intelligence units around the country. It is here that reports from agents are received, sorted, and retransmitted. Because its staff is small and the volume of reports large, Ops Four rarely has the time to verify, edit, or interpret the reports before passing them on to "user organizations."

Daily recipients of this raw intelligence include all of the Army's military intelligence groups within the United States, riot-control units on stand-by alert, and the Army Operations Center at the Pentagon. The Operations Center, sometimes called the "domestic war room," is a green-carpeted suite of connecting offices, conference rooms, and cubicles from which Army and Defense Department officials dispatch and coordinate troops that deal with riots, earthquakes, and other disasters. Recipients of weekly CONUS intelligence summaries, also prepared at Fort Holabird, include not only those on the daily distribution, but such unlikely organizations as the Army Materiel Command, the Military District of Washington, the Air Defense Command, and Army headquarters in Europe, Alaska, Hawaii, and Panama.

What is perhaps most remarkable about this domestic intelligence network is its potential for growth. Uninhibited by Congressional or Presidential oversight, it has already expanded to the point where it in some ways rivals the FBI's older internal-security program. If the Army's fascination with the collection of domestic intelligence continues to grow as it has in the recent past, the Intelligence Command could use military funds to develop one of the largest domestic intelligence operations outside of the communist world. Before this happens, the American public and its elected representatives ought to demand a say in the development of this program.

THE ARMY'S NEEDS

Intentionally or not, the Army has gone far beyond the limits of its needs and authority in collecting domestic political information. It has created an activity which, by its existence alone, jeopardizes individual rights, democratic political processes, and even the national security it seeks to protect.

There is no question that the Army must have domestic intelligence. In order to assist civilian authorities, it needs maps and descriptions of potential riot or disaster areas, as well as early warnings of incidents likely to provoke mass violence. Before trusting its employees or prospective employees with military secrets, it has to look into their past behavior for evidence of disloyalty or unsuitability. The Army also must investigate train wrecks, fires, and other disasters which may disrupt its lines of supply. And where ultra-militant groups seek to attack military installations, destroy files, or abuse soldiers, it has the right and obligation to keep informed about the groups' specific objectives, plans, and techniques.

The Army needs this kind of information so that it can fulfill long-established, legiti-

mate responsibilities. But must it also distribute and store detailed reports on the political beliefs and actions of individuals and groups?

Officials of the Intelligence Command believe that they must. Without detailed knowledge of community "infrastructure," they argue, riot-control troops would not be able to enforce curfews or quell violence. To support this contention, they cite the usefulness of personality files and blacklists in breaking up guerrilla organizations in Malaya and South Vietnam. One early proponent of this view was the Army's Assistant Chief of Staff for Intelligence during 1967–1968, Major General William P. Yarborough. At the height of the Detroit riots of 1967 he instructed his staff in the domestic war room: "Men, get out your counterinsurgency manuals. We have an insurgency on our hands."

Of course, they did not. As one war-room officer who attempted to carry out the General's order later observed: "There we were, plotting power plants, radio stations, and armories on the situation maps when we should have been locating the liquor and color-television stores instead." A year later the National Advisory Commission on Civil Disorders reached a similar conclusion about the motives of ghetto rioters. "The urban disorders of the summer of 1967," it declared unequivocally, "were not caused by, nor were they the consequence of, any organized plan or 'conspiracy.'" After reviewing all of the federal government's intelligence reports on 23 riots, it found "no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organizations or groups, international, national, or local."

Intensive investigations subsequently conducted by local police departments, grand juries, city and state committees, and private organizations have concurred. One of the more recent, a study of 1968 "urban guerrilla" activities by the Lemberg Center for the Study of Violence at Brandeis University, is typical. It found that press and police accounts of shooting incidents were grossly exaggerated. While acknowledging that there had been "a few shoot-outs with the police" some of which "may have been planned," the Center concluded that there was "no wave of uprisings and no set pattern of murderous conflict" from which one could predict organized violence even remotely resembling guerrilla warfare.

But even if there were grounds for making such a prediction, the Army's case for personality files and blacklists would remain weak. The purpose of these records, according to counterinsurgency manuals, is to facilitate the selective arrest of guerrillas and insurgents. However, within the United States the Army has no authority to round up suspects the moment civilians take up arms. The seizure of civilians on suspicion of conspiring or attempting to overthrow the government by unlawful means or of inciting people to crime is, and continues to be, the responsibility of local and state police and of the FBI. The President may order Army units to help state or federalized National Guard troops keep the peace or fight guerrillas, but the Army does not acquire authority to arrest civilians unless and until civilian law enforcement has broken down and a declaration of martial law puts all governmental authority in the area of conflict in the hands of the military. In that highly remote circumstance, the Intelligence Command might have some need for personality files and blacklists on criminally inclined, politically motivated civilians. By then, however, it certainly would have full access to the more extensive and up-to-date files of the civilian agencies and thus would not have had to prepare its own.

The Army's need to keep its own dossiers on the politics of law-abiding citizens and groups makes even less sense. So long as there is a possibility that peaceful protests may get out of hand, some surveillance undoubtedly is in order. But must the Army conduct it? Are its agents and record keepers more competent than those of the FBI or of the police departments of the cities in which large demonstrations typically occur? Are the civilian law enforcement agencies so uncooperative that the Army must substantially duplicate their efforts?

More extraordinary still is why the Intelligence Command each week alerts military headquarters in Alaska, Hawaii, Panama, and Europe to stateside non-events like the following:

"MIAMI, FLA.—A spokesman for the Southern Students Organizing Committee announced plans for a demonstration to be held on the campus of the University of Miami in the morning. According to the spokesman, a group of anti-war/draft supporters will participate in the demonstration."

"PHILADELPHIA, PA.—Members of the Vietnam Week Committee composed largely of professors and students of the University of Pennsylvania, will conduct a 'sleep-in' to protest the scheduled appearance of Dow Chemical Company recruiters on campus. The next day, 19 March, the same organization will sponsor a protest rally on campus."

Perhaps the best answer to all of these questions is that much of the CONUS intelligence program serves no military need at all. But if this is so, then where does the Army get the authority to run it?

THE ARMY'S AUTHORITY

According to the Nixon Administration, authority for this kind of program comes from the Constitution. So, at least, the Justice Department claimed last June in a brief defending the FBI's failure to obtain search warrants before tapping telephone calls of what were then the "Chicago Eight." The Justice Department argued that Article Two of the Constitution authorizes the President and his agents to engage in whatever "intelligence-gathering operations he believes are necessary to protect the security of the nation" and that this authority "is not dependent upon any grant of legislative authority from Congress, but rather is an inherent power of the President, derived from the Constitution itself." Thus, the Department contended, "Congress cannot tell the President what means he may employ to obtain information he needs to determine the proper deployment of his forces."

If this is so, then Army agents do have the authority to undertake any surveillance that does not run afoul of the Constitution and the courts: indeed, they can investigate anything that is normally investigated by the federal government's civilian agencies. Moreover, they do not have to obey laws like the Omnibus Crime Control Act of 1968, which forbids most wiretapping and electronic eavesdropping without prior judicial authorization in the form of a warrant.

Fortunately, the "inherent powers doctrine," as this theory is called, has few supporters. The courts have never accepted the proposition that Congress is powerless to prescribe how the President shall exercise his executive powers. Indeed, in 1952, the Supreme Court rejected President Truman's claim to inherent power to seize the nation's steel mills to avert a strike which threatened the flow of equipment and supplies to American troops fighting in Korea. If there were no constitutional Presidential power to meet that emergency, it is unlikely that one exists to authorize the intelligence powers which the government claims today.

It is far more probable that the courts would endorse a conflicting view: that the Army's authority to collect domestic intelligence is limited by, and can only be inferred from, those laws which traditionally mark off the Army's responsibility for law enforcement from that of other agencies. These include not only the statutes which restrict the Army to a back-up function in times of riot, but the laws which assign surveillance of unlawful political activity within the United States to the FBI and the Secret Service. Other sources of the Army's authority include the Uniform Code of Military Justice, which permits investigation of unlawful political activity within the armed services, and those laws and federal-state agreements under which the Army governs many of its installations. These rules, and not the vague provisions of Article Two, are the legitimate sources of the military's domestic-intelligence powers.

Yet even if the current Administration's claim to an inherent constitutional power to watch lawful political activity were to be accepted by the courts, the surveillance itself probably would be forbidden by the Bill of Rights. The reason is the chilling effect which knowledge of surveillance has upon the willingness of citizens to exercise their freedoms of speech, press, and association, and their right to petition the government for redress of grievances:

Ten years ago the federal courts would not have accepted this contention. Then the courts were hesitant even to accept constitutional challenges to the government's collection of political information when the plaintiffs could prove that the investigators had no other purpose than to deter them from exercising their rights under the First Amendment. Recently, however, the courts have begun to accept the proposition that vague and overbroad laws and administrative actions are unconstitutional if they inhibit the exercise of those rights, regardless of whether that effect was intended.[1]

[1] Typical of this growing body of constitutional interpretation is the 1965 case of *Lamont v. Postmaster General*. There the Supreme Court struck down a federal statute which authorized the Post Office to suspend delivery of unsolicited mail which the government agents regarded as "Communist political propaganda" until the addressee returned a reply post card declaring that he wished to receive the mail. The Court, in a unanimous opinion, held that the effect of this practice, whether the government's purpose, was to abridge freedom of speech by inhibiting the right to read.

Even more on point is the decision of a New Jersey Supreme Court which last August declared most of the state's domestic intelligence system unconstitutional. In *Anderson v. Sills*, a suit filed by the America Civil Liberties Union on behalf of the Jersey City branch of the NAACP, the court held: "The secret files that would be maintained as a result of this intelligence system are inherently dangerous, and by their very existence tend to restrict those who would advocate . . . social and political change."

Had the New Jersey authorities been able to show a more urgent need for the records, the court might not have taken such a categorical position. But the police, like the Army, had cast their net so widely that it was bringing up huge quantities of information on wholly lawful political activities. Accordingly, the court brushed aside the state's claim to good intentions and found that the program had a chilling effect upon the exercise of First Amendment rights. It ordered all forms and files destroyed, "except where such information will be used to charge persons with specifically defined criminal conduct."

If people are likely to be deterred in the exercise of their rights by state intelligence systems, they undoubtedly will be inhibited by knowledge that reports of individual participation in public demonstrations are being made daily to the Pentagon, selected troop units, and an interagency data bank at Fort Holabird. Thus, even if the Army's collection of personality files and blacklists is not limited by legislation, it still may be unlawful.

THE PROGRAM'S IMPACT

Beyond the Army's need for the present CONUS intelligence program and its authority to pursue it lies the matter of its impact upon the public interest. In particular, there is its effect upon the rights of individuals, the democratic process, and the nation's security.

The impact which the program can have upon the exercise of political rights needs no further explication. The threat it poses to job rights and privacy, however, may not be so apparent.

Like the freedom from inhibitory surveillances, the job rights threatened are rights in the making. As yet no one has established a legal right to a job that requires a security clearance or to a security clearance essential to a job. Nevertheless, in recent years the courts have begun to recognize that those who already hold federal jobs and security clearances have a right not to be deprived of either without just cause or, at the very least, without the rudiments of fairness. The impending marriage of the CONUS intelligence wire service to a computer could nullify even this protection, by filling security-clearance dossiers with unverified and potentially erroneous and irrelevant reports. These reports would then be used to determine who should, and wno should not, receive security clearances.

If the men and women who adjudicate security clearance were competent to evaluate such unreliable information, its inclusion in security files might be less cause for concern. Unfortunately, they are not. The most highly trained adjudicators—civilians employed by the stateside army commands—receive only nine days of job instruction on loyalty determinations at the Army Intelligence School. Moreover, this training does not even touch upon the subject of suitability, although almost 98 per cent of all clearances denied today are ostensibly rejected on that ground. The least trained adjudicators—intelligence officers assigned to field commands—receive exactly two classroom hours on loyalty and two on suitability while being trained to become investigators. Because of this extremely brief training, it is not unusual for an adjudicator to conclude that a person arrested in connection with a political protest is not suited for a security clearance, regardless of the circumstances of his arrest, the legality of his detention, or his innocence of the charges.

The adjudicators' lack of training is compounded by security regulations which permit—indeed, seem to require—the denial of clearances on less evidence than would support a magistrate's finding of "probable cause." In other words, it is not a question of whether reliable evidence indicates that the individual cannot be trusted with state secrets, but of whether the granting of the clearance would be "clearly consistent with the interests of national security." No one really knows what this ambiguous phrase means, but in practice it frequently is used to justify findings of guilt by association. For example, soldiers and civilian employees of the Army with foreign-born spouses are virtually blocked from jobs requiring access to especially sensitive intelligence. Their association with a spouse who once "associated with foreigners" is taken as proof of their vulnerability to recruitment by foreign agents. Moreover, in nearly all other cases, adjudicators usually have to make their decisions without knowing the source of the evidence, without hearing the accused confront his accusers, or without hearing the accused defend himself with knowledge of their identity.

Given the tenuousness of the right to due process under these conditions, the influx of CONUS intelligence reports can make the system even more unjust than it is now. At the present time, little information on political activity is developed in the course of most background investigations. Army investigations, in particular, tend to be superficial; in some sections of the country shortages of personnel, caused by the war in Vietnam, have forced the Intelligence Command to abandon interviews of character references in favor of questionnaires-by-mail as its main means of inquiry. But if these questionnaires were to be supplemented by CONUS political reports, the number of clearances unjustly denied would skyrocket. These injustices would occur not only within the military; they would reverberate throughout all federal agencies with access to the Fort Holabird data bank.

The Army's domestic-intelligence program also imperils numerous expectations of privacy, some of which enjoy the status of legal rights. It does so by exposing Americans to governmental scrutiny, and the fear of scrutiny, to an extent to which they have never been exposed before. Even the Budget Bureau's ill-starred proposal to consolidate the federal government's statistical records into a National Data Center would not have brought together so much information about individual beliefs and actions.

The privacy of politically active citizens is especially threatened by the Army's practice of watching political protests, large and small, throughout the United States. To the potential protester, it is one thing to expect local press and police coverage; it is quite another to expect a military surveillance which specializes in keeping permanent records of lawful political activity.

What effect awareness of the CONUS intelligence program will have on the vast majority of people who are not politically active is more difficult to predict. By itself, news that the Army is watching civilian politics is not likely to cause most people to worry personally about their privacy. But it would be one more increment in a growing pattern of governmental instrusiveness that could have a significant cumulative impact.

Such a pattern is now well established. Among the more widely publicized activities in recent years have been the CIA's surreptitious financing of student groups, labor unions, and foundations (despite the territorial limits of that agency's mandate), the Post Office's use of peepholes in restroom walls, and the Defense Department's misuse of lie detectors. Others include countless illegal wiretaps by the FBI, the Internal Revenue Service, and the Department of Interior. More recently, the publication of confidential FBI wiretap information by *Life* and *Newsweek* which linked Jets' quarterback Joe Namath to Mafia figures suggests that the FBI has now assumed responsibility for enforcing professional football's code of conduct.

The cumulative impact of such abuses of power and privacy eventually must convince even the most anonymous of individuals that the United States is moving towards a society in which no one has control over what others know about him. Public awareness of the Army's activities cannot but hasten this conviction.

The unregulated growth of CONUS intelligence machinery also threatens the country's political health. It does so both by inhibiting political participation and by enhancing the potential clout of demagogues and others who would misuse security files for partisan or personal purposes.

The most immediate risk posed, of course, is to political participation. Once citizens come to fear that government agencies will misuse information concerning their political activities, their withdrawal from politics can be expected. This withdrawal can occur in a variety of ways. Some people may decline to become involved in potentially controversial community organizations and projects. Others may go further and avoid all persons who support unpopular ideas or who criticize the government. Some may refuse to object to the abuse of government authority, especially when the abuse is committed in the name of national security. Others may even stop reading political publications, out of fear that the government might learn of their reading habits and disapprove. Indeed, an adjudicator of security clearances once asked me if she could lose her clearance if she allowed her daughter to subscribe to *The National Observer!*

Inhibitions generated by awareness of extensive domestic surveillance are likely to be strongest at the local level. This is where most citizens participate in politics if they become involved at all. The withdrawal can be expected to occur all across the political spectrum, although the strongest objections to surveillance will undoubtedly come from the left. Those most likely to be deterred, however, are not the extremists of the right or the left, whose sense of commitment runs deep, but the moderates, who normally hold the balance of power. Depletion of their ranks would, of course, strengthen the influence of the extremists, polarize debate, increase animosities, and decrease tolerance. As political positions rigidify, compromise and flexibility would become harder to achieve. And the capacity of government to renew itself and promote responsible progress would also suffer.

A less immediate but no less serious danger lies in the potential for misuse inherent in the Army's extensive files on individuals and groups. It is frightening to imagine what could happen if a demagogue in the Martin Dies-Joseph McCarthy tradition were to gain access to the computer the Army seeks now, or if an Otto Otepka in uniform were to leak a copy of the Intelligence Command's so-called "blacklist" to friends in Congress, or if a General Edwin Walker were to take charge of the Intelligence Command.

Such speculation assumes, of course, that the Army cannot guarantee the inviolability of its files. The assumption, unfortunately, has some validity. Only last year, information from the Army's confidential service record on New Orleans District Attorney Jim Garrison was leaked to the press. Officers at the Investigative Records Repository at Fort Holabird (which functions as the Army's lending library for such files) suspected that the leak came from a civilian agency in Washington. They were helpless to do anything about it, however, because they had no system of records accountability by which they could fix responsibility. When asked why such a system did not exist, one officer told me: "We probably couldn't stop it [the leaks] if we tried."

Finally, the unregulated growth of domestic intelligence activity can have the paradoxical effect of undermining the very security it seeks to protect. It can do so in at least two ways. First, by increasing the "cost" of lawful political activity, it tends to force extremist groups to go underground, there to act out their us-versus-them view of politics by criminal means. Second, by intruding too closely into the lives of government employees (or prospective employees), it tends to inhibit them from applying for jobs requiring security clearances or from exercising initiative and imagination in those jobs. A good intelligence officer must be able to analyze and report accurately, and to do so he must feel free to immerse himself in the ideas and culture of the people he studies. A good scientist must have freedom to pursue his curiosities, or he is not likely to work for the government, which rarely pays as much as private industry. The direct consequence of programs which deny this freedom is to impair the quality of secret work and the caliber of the men who do it. As John Stuart Mill warned over a century ago:

"A state which dwarfs its men, in order that they may be made docile instruments

in its hands, even for beneficial purposes, will find that with small men no great thing can really be accomplished."

WHAT CAN BE DONE?

If the Army has exceeded the limits of its needs and authority to establish a domestic intelligence program which endangers numerous public interests, what steps should be taken to curb its excesses?

An obvious first step is a court challenge of the Army's authority to possess information for which it has no substantial need. The main target of such a lawsuit should be the personality files and blacklists describing the lawful political activities of individuals and groups. A second target should be the collection and storage of information on individuals and groups suspected of participating in unlawful political activities—except where that information is essential to an "early warning" system, or where the persons involved are associated with the armed forces, or where the information is collected in the course of security investigations.

The lawsuit's argument should be twofold: (1) the Army has no substantial need for either kind of information, and (2) the very existence of the program inhibits the exercise of First Amendment rights. Such a suit should seek a court order declaring the Army's possession of both kinds of information to be unconstitutional; it should also ask the court to enjoin future collection and storage of such information and to direct the destruction of all existing personality files and blacklists.

While such a lawsuit stands a good chance of success, it could take years to litigate. Moreover, a favorable decision could be ignored or evaded for many more years. Thus, while the symbolic value of such a decision would more than justify the time and expense, an effective challenge of the intelligence program will require the development of legislative and administrative remedies as well.

Whoever attempts to devise these remedies should be prepared to undertake subtle analysis of competing interests and values for while the excesses of the program must be permanently curbed, the Army's ability to fulfill its responsibilities must not be impaired.

Ideally, legislative and executive analyses should be based on the kinds of questions I have already asked: What are the Army's real domestic intelligence needs? What authority does it have to initiate specific activities to meet those needs? What threats to liberty does each domestic intelligence effort pose?

The analysis should begin by demanding a justification for each alleged intelligence need in terms of the Army's authority to meet such a need and its purpose in trying to do so. Each need should then be weighed against the threats it may pose to the rights of individuals, to the vitality of the political process, and to the security of the nation. Where the risk is clear and the need doubtful, the Army should be denied authority to satisfy the need. Where the threat and the Army's need are both evident, less hazardous alternatives ought to be considered. In this circumstance, the capacity of politically responsible officials to control the alternatives should be weighed. Where reliable controls cannot be devised, the intelligence effort should not be authorized—even though the denial of authority may deprive the government of useful knowledge about the domestic political scene. If the imposition of these restraints poses a risk to internal security, then we must accept that risk as the price for individual liberties and a truly democratic political system.

The Congressional power of inquiry should be exercised first. Few Americans—including most members of Congress—know anything about the activities and plans of the domestic intelligence community. Many do not even realize that the growth of formal and informal ties among law-enforcement, intelligence, and security agencies has made it necessary to think in such terms.

For maximum effectiveness, Congress should hold open hearings not only to inform itself and the public, but to remind the intelligence community in general, and the Army in particular, that their authority to spy on civilian politics must be construed strictly, in accordance with such established principles as civilian control of the military. Presidential control of the bureaucracies, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to law. Where is is not, corrective legislation should be promised.

A special effort should be made in the course of these hearings to inform the domestic intelligence community that Congress does not accept the Justice Department's position that "Congress cannot tell the President what means he may employ to obtain the information he needs."

Congress should also exercise its appropriations powers as to encourage major reforms in the Army's program. Specifically, it should block all funds for the planned computer unless and until the Army agrees to:

One. Instruct its agents to limit their collection of CONUS intelligence to reports of incidents, except where the reports describe violations of the Uniform Code of Military Justice or of Army regulations. This would dry up the source of most blacklists and personality files.

(2) Forbid the Intelligence Command to convert incident reports into personality reports, except where they relate to criminal or deviant activity by persons subject to military law or employed by the military. Thus storage of information about named civilians unassociated with the armed forces would be doubly foreclosed, should such information be reported by mistake or as an essential element of an incident report.

(3) Establish effective technological, legal, and administrative safeguards against the abuse of individual rights in the process of collecting, reporting, storing, and disseminating domestic intelligence or personnel security information. For example, the Army should forbid its agents to infiltrate civilian political groups. (If it fails to do so, Congress should make such infiltration a federal crime, just as it is now a crime for a local military commander to order his troops to serve in a sheriff's posse.) Computer storage systems also should be encouraged, since they can be equipped with more effective safeguards against misuse than is possible in document storage systems. However, these safeguards must be carefully designed, regularly tested, and reinforced by laws and regulations to deter those who might seek to circumvent them.

(4) Establish separate headquarters, preferably in separate cities, for the CONUS-intelligence and personnel-security staffs. So long as the two programs are located at the same headquarters (they now share the same room and some of the same personnel), the danger of informal leakage of CONUS intelligence material to the adjudicators will remain high. Establishment of physically separate headquarters would be expensive, since it would probably require two separate communications and information storage systems. Separate storage systems, however, could be more safely computerized. Thus some of the additional expense might be recouped through increased efficiency.

(5) Request that the United States Judicial Conference or some similar body nominate a civilian advisory board to review and report annually on the sufficiency of the Intelligence Command's procedures for safeguarding individual rights. Such a board could satisfy both the public's need for a regularized system of independent scrutiny and the Army's need for friendly critics capable of alerting it to the legal, moral, and political implications of its domestic intelligence program. How successful such a board can be is open to question; much depends upon how skillfully its members can be chosen so as to assure both military and public confidence in their capacity for balanced and constructive judgments.

(6) Improve the professional quality of Intelligence Command personnel and security-clearance adjudicators. In the final analysis, the Army must be the front-line defender against the dangerous consequences of its own actions. Thus, among other things, the Army should be encouraged to end the overcrowding and understaffing of its Intelligence School, to revise and expand the curriculum of its agents' course, and to transfer the training of security-clearance adjudicators to an accredited law school or the Practicing Law Institute, a non-profit organization well known for its practical courses for lawyers and laymen on specialized legal subjects.

Needless to say, each of these reforms should be initiated by the President or the Army without waiting for Congressional encouragement. In addition, the President should appoint a panel of distinguished citizens, on the order of the Kerner Commission, to look into the conduct of all domestic intelligence activities. He should also ask an organization like the highly prestigious American Law Institute to draft a new executive order and code of regulations to govern the granting of security clearances.

Implementation of these reforms can do much to bring the Army's domestic intelligence practices in line with its legitimate responsibilities. But it is not enough to reform the Army. The Intelligence Command is only one member of a huge, informal community of domestic intelligence agencies. Other members of the community include not only the FBI, the Secret Service, the Air Force, and the Navy, but hundreds of state and municipal police departments. Some of the latter are surprisingly large. The New York City Police Department's Bureau of Special Services, for example, employs over 120 agents and has an annual budget in excess of $1 million.

Each of these organizations now shares with the Army the capacity to inhibit people in the exercise of their rights, even without trying. By collaborating, they could become a potent political force in their own right. Thus as the Army, the FBI, and the Justice Department strive to coordinate these agencies through the establishment of wire services, hot lines, and computerized data banks, it is essential that the American public and its representatives be equally energetic in the imposition of checks and balances. In particular, special efforts should be made to prevent needless concentrations of information. The United States may be able to survive the centralization of intelligence files without becoming totalitarian, but it most certainly cannot become totalitarian without centralized intelligence files. The checks must be designed with the most unscrupulous of administrators in mind. The fact that we may trust the current heads of our investigative agencies is no guarantee that these agencies will not one day come under the control of men for whom the investigatory power is a weapon to be wielded against political and personal foes.

FEBRUARY 25, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning an article which appeared in the *Washington Monthly* entitled "CONUS Intelligence: The Army Watching Civilian Politics" by former Army Captain Christopher Pyle.

The allegations made by Mr. Pyle were viewed with great concern by both the civilian and the military leadership of the Army. Both have always, over the generations, been keenly sensitive to the long-standing American tradition separating the military from involvement in domestic politics, and both are constantly alert to ensure that Army actions as well as policies are in keeping with the traditional limitations upon our armed forces. Ever since the unfortunate necessity arose, several years ago, for military forces to be prepared for civil disturbance operations when directed by the President, there has been a special sensitivity to the immediacy of this problem.

Our continuing goal has been to maintain suitable limits to Army intelligence involvement in the civilian sector, and toward this end our policies and practices have been undergoing periodic examination. The main charge of the article, and indeed its title, hold that the Army deliberately seeks the opposite, by widespread aggressive, covert collection of intelligence about people who "might make trouble for the Army." This charge is false. The Army's domestic intelligence activity has been to a small degree in the civil sector, but only to focus upon civil disorder, and the Army has long been pressing to have civilian governmental agencies meet even these intelligence needs.

The military security functions of the Army in the United States are conducted by the U.S. Army Intelligence Command, Fort Holabird, Maryland. This Command reports directly to the Chief of Staff of the Army and is closely supervised for him by the Assistant Chief of Staff for Intelligence. The Command employs seven subordinate organizations, military intelligence groups, located throughout the United States in support of its military security functions. These groups, employing approximately 1000 agents, support the principal missions assigned to the Intelligence Command by the Department of the Army.

The principal activity of the U.S. Army Intelligence Command is to conduct security investigations to determine whether uniformed members of the Army, civilian employees and contractors' employees should be granted access to classified information. This activity and allied activity relating to security matters account for 94% of the time of Intelligence Command field personnel, and will consume a higher percentage in the future because of reduction in civil disturbance activities.

To avoid duplication of effort and to give investigators the benefit of prior work, a central filing system of Army investigations is necessary. The U.S. Army Investigative Records Repository, run by the Intelligence Command, has approximately 7 million files relating principally to security, loyalty or criminal investigations of former and present members of the Army, civilian employees and contractor personnel. When security or criminal investigations are completed the entire report is forwarded to the Records Repository at Fort Holabird for filing. The use of these files is limited by Regulation to specifically authorized Executive Branch agencies. No computer has been installed in the Investigative Records Repository; none has been or is planned to be installed since the cost in manpower and time to convert the Repository files to a computer bank would be prohibitive. The Repository does have an automatic retriever system for some of the files; these files, placed in boxes, can be mechanically retrieved on a trolley system in order to save time in searching for files.

In order that investigative efforts in the security field would not be duplicated, Secretary of Defense McNamara directed on 27 May 1965 that a central index of all security investigations conducted by Department of Defense agencies be established. Accordingly, the Defense Central Index of Investigations was established at Fort Holabird. Data included in this Index is limited only to the identification of an individual, the type of investigation conducted, date of completion, and the location of the investigations (for example, Army investigations are filed in the Investigative Record Repository). The data is placed on manually key punched cards which are then alphabetically filed. A sample card is attached (not shown in RECORD). At present, these cards must be manually searched. A plan to install a computer at the Central Index has been approved. Information on the key punched cards will be placed in the computer; the purpose of this computer will be to rapidly identify and indicate the location of files needed in security investigations. The computer will contain only the information shown on the sample card, which does not reflect the existence of any personal information of any kind, derogatory or otherwise. The present system and the planned computer are not and will not be tied in with any form of computer data banks. There is no plan to use the Central Index in any other fashion.

The U.S. Army Intelligence Command also has missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. As you know, the Army has certain obligations under the Constitution and the laws to act at the direction of the President to deal with civil disturbances beyond the capability of local and state authorities to control. Army intelligence activities in the field of civil disturbances are directed primarily at ascertaining information needed to prepare appropriate levels of alert for military forces and needed by military commanders if they are directed to act. This limited field of interest removes from legitimate concern of the Army minor forms of disturbances and lawful activities not likely to lead to major disturbance involving use of Federal resources.

Intelligence personnel obtain this limited civil disturbance-related information primarily from the FBI and state and local police agencies. When this information is collected in the field, it is reported usually by teletype to the U.S. Army Intelligence Command. The Director of Investigations, U.S. Army Intelligence Command, is responsible for collecting the information, storing it, and forwarding it, as necessary, to appropriate officials in the Department of Defense. The teletype is not linked to any computer, nor has there ever been a plan to do this.

The collection of civil disturbance-related information by the Army increased after the disturbance in Detroit in 1967. However, the Intelligence Command was not and has never been reinforced with additional personnel to accomplish the civil disturbance missions assigned to them at that time. Since this was a new area for the Army, an appropriate level of action necessary to accomplish the Army's mission had to be evolved. This area has been a subject of constant attention and refinement in order to narrow the Army's actions to only those which are absolutely necessary. There have been some activities which have been undertaken in the civil disturbance field which, after review, have been determined to be beyond the Army's mission requirements. For example, the Intelligence Command published from 14 May 1968 to 24 February 1969, an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations. All copies of the identification list have been ordered withdrawn and destroyed. The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops.

In the past, the Director of Investigations at the Intelligence Command has operated a computer data bank for storage and retrieval of civil disturbance information. This data bank, which included information about potential incidents and individuals involved in potential civil disturbance incidents, was thought useful in that it permitted the rapid retrieval of related information for predicting trends and possible reactions. The civil disturbance data bank was discontinued since, after study, it was determined that the data bank was not required to support potential Army civil disturbance missions.

Thus the Army does not currently maintain, and has ordered the destruction of, the identification list referred to above. No computer data bank of civil disturbance information is being maintained, and directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

I hope that the information set out above will satisfy your concerns.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

FEBRUARY 2, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I enclose a copy of an article from the January 1970 *Washington Monthly*, entitled "CONUS Intelligence: The Army Watches Civilian Politics." I would appreciate your letting me have the benefit of your comments on the article. In addition, I would appreciate your providing me with information in response to the following questions prompted by this article:

1. What is the legislative authority for domestic intelligence gathering activities by the Army involving political activities that are not directly related to military or civilian personnel matters?

2. How many people—military and civilian—work in the Army's domestic intelligence program?

3. What is the budget for FY 1970 and proposed for FY 1971 for domestic intelligence gathering, including military pay and allowances? What proportion of the budget is used for personnel investigations and similar intelligence work?

4. What is the justification for the Army to engage in surveillance of organizations or individuals involved in political protests?

5. What criteria are used in determining which activities to cover and report on?

6. How many meetings by civilian organizations were covered or reported on during the last year?

7. What, if any, arrangements exist between the Army and other government investigative agencies to prevent duplication of effort in keeping track of the activities of organizations under surveillance?

8. What periodic reports are filed concerning the activities of political protest groups? Please provide a copy of the latest report available of each type.

9. The article alleges that the Army publishes a booklet containing information on individuals and groups that might "cause trouble for the Army." Is there such a document? If so, please provide a copy of it and details on the distribution of it. Who has access to this information?

10. How many names of individuals and organizations does the Army currently have in its security files? Approximately how many were added in the last year that were not due to investigations for personnel purposes?

Sincerely yours,

J. W. FULBRIGHT.

Mr. ROBERT E. JORDAN, III,
General Counsel, Department of the Army, Washington, D.C.

DEAR MR. JORDAN: I have your letter of February 25 concerning the Army's intelligence gathering activities.

I am glad to have this information since it does explain some aspects of the program to collect information on civilians. However, you failed to provide most of the specific information requested in my letter of February 2 and I would appreciate your providing this as soon as possible. I would also appreciate your letting me know the date orders were issued to discontinue the identification list and the computer data bank on potential trouble makers, and how many names were on the list and in the bank at that time. In addition, would you please provide copies of all directives relating to collection and reporting of information relating to civil disturbance matters.

Sincerely yours,

J. W. FULBRIGHT.

[From the Washington Star, Feb. 28, 1970]

ARMY STILL MAINTAINING FILES ON CIVILIANS' POLITICAL ACTIVITY

The Army acknowledges that it maintains files on the political activities of civilians other than the computerized political data bank it told congressmen it was closing down.

It also conceded yesterday that information that formerly was kept in the computer is still on file and has not been ordered destroyed.

An Army spokesman confirmed that a microfilm file is kept on civilian political activity by the Counter-Intelligence Analysis Division of the office of the Army's assistant chief of staff for intelligence.

The spokesman, an official in the office of Army General Counsel Robert E. Jordan III, said that very few files were kept on individual civilians. He could neither confirm nor deny existence of files on several specific individuals.

Sources who asked not to be identified reaffirmed, however, that individual and organizational files number in the thousands and that they include data on such individuals as Mrs. Martin Luther King, Jr., folk singers Arlo Guthrie and Phil Ochs and Georgia State Rep. Julian Bond

SOME GROUPS MENTIONED

In addition, the sources said, files are kept on such organizations as the American Friends Service Committee, the American Civil Liberties Union, the Center for the Study of Democratic Institutions, the John Birch Society, Clergy and Laymen Concerned about Vietnam and the New Mobilization Committee to End the War in Vietnam.

Files are also kept on publications, including the magazine the Nation, the newsletter of Young Americans for Freedom, the New Left's National Guardian and the underground Berkeley Barb.

The eight persons indicted in connection with disorders at the Democratic National Convention in 1968 are also listed, sources said.

While admitting existence of the microfilm file, the Army spokesman sought to play down its size and importance. He said it was an uncomputerized "office file" kept "for analysis purposes" by an agency charged with "answering specific questions" posed by top Army officials.

He said questions that might be posed to CIAD include "what likelihood is there that violence will occur this summer?" And "where is it likely to occur?" In case a mass march is planned somewhere. Another question would be "what likelihood is there that violence will occur which local authorities cannot handle?"

CIAD would use its files, which "consist primarily of FBI reports," to get an answer for the Army, based on the expected size of a march and the people and organizations planning it, he said.

CIAD also has a role in determining which U.S. cities might experience large riots. The Army now plans to be able to handle eight major disorders at once, a reduction from the 25 once planned for.

The spokesman said that there was an "innocent bureaucratic reason" for the CIAD files.

FBI POLICY CITED

He said, "The FBI has a policy that, if it once gives you a report, it won't give it to you again. So the analysis people have to keep the report they've worked on before."

The spokesman said the files reflect work that CIAD has done. "This is far different from a data bank which contains whole reams of information," such as the one the Army maintained at Ft. Holabird in Baltimore and which was discontinued after pressure from Congress.

The spokesman said that that a review of the Holabird data bank was under way before congressmen became aroused by a magazine article about it written by a former intelligence officer.

He said 50 congressmen sent inquiries to the Army about it—15 by personal letter to the Secretary of the Army.

The Holabird data bank was ordered discontinued on Feb. 19, he said, and an announcement was made Thursday to the congressmen. The announcement made no mention of the CIAD microfilm files or of the fact that formerly computerized information is still in files at Ft. Holabird, and at seven military intelligence group headquarters around the nation.

NO DESTRUCTION ORDER

No order has been issued yet for the destruction of those files, or of still other files maintained by the Continental Army Command at Ft. Monroe, Va., the spokesman acknowledged.

The Justice Department is the agency charged by President Nixon with primary responsibility for civil disorders.

The spokesman said, "We've been pushing for a long time to get Justice and the FBI to take over this responsibility completely.

"Justice does not (now) have the capability, in our minds, to do the job.

"We have to have an answer if we're asked, 'Will there be violence?'

"Until we are satisfied that Justice can answer the question satisfactorily, we have to do it ourselves."

PROGRAM

Mr. DOLE. Mr. President, will the Senator advise the Senate of the schedule?

Mr. MANSFIELD. I am delighted to respond to the question raised by the acting minority leader. There will be no further votes tonight.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the prayer tomorrow there be a period for the transaction of routine business for not to exceed 15 minutes.

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

PROGRAM

Mr. MANSFIELD. It is my understanding that the distinguished Senator from Alabama has an amendment he will lay before the Senate tonight and which he will discuss tomorrow and perhaps tonight, if he so desires.

I understand the Senator from Kentucky (Mr. COOPER) has an amendment which will be offered tomorrow.

Hopefully, we might be able to finish this bill somewhere between 1 o'clock and 3 o'clock tomorrow afternoon. Hopefully, I emphasize that if we do finish at a reasonable time tomorrow the next order of business immediately will be laying before the Senate the nomination of Judge Carswell to be an Associate Justice of the Supreme Court.

My next sentence is not a threat. If, perchance the pending bill is not finished tomorrow, it is very likely we will be in session Saturday because, speaking personally, I would like to get to the Carswell nomination just as soon as possible.

I hope that explains the situation.

Mr. DOLE. I thank the Senator.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

AMENDMENT NO. 553

Mr. ALLEN. Mr. President, I call up an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the Scott-Hart Amendment (No. 544) by striking all of section 3 under title I—Voting Rights, and inserting a new section 3 as follows:

"Section 3. (a) Section 4 of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973 et seq) is amended by adding at the end thereof the following new section '(f) section 4 of this Act shall expire and become inoperative on August 7, 1975.'

"(b) Section 5 of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973 et seq) is amended by adding at the end thereof the following new sentence: 'Section 5 of this Act shall expire and become inoperative on August 7, 1975'."

Mr. ALLEN. Mr. President, with the distinguished majority leader having pointed out that there would be no further votes this evening and most of the Senators having thereupon departed from the Senate Chamber, the Senator from Alabama would desire to wait until tomorrow to start his explanation of the amendment.

To that end, I suggest at this time the absence of a quorum so that if there is no other business to come before the Senate other than the pending amendment, any Senator desiring to bring about other business could move to suspend further proceedings under the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

ADJOURNMENT TO 10 A.M. TOMORROW

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 until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 13, 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate March 12, 1970.

DIRECTOR OF SELECTIVE SERVICE

Curtis W. Tarr, of Virginia, to be Director of Selective Service, vice Gen. Lewis B. Hershey.

HOUSE OF REPRESENTATIVES—*Thursday, March 12, 1970*

The House met at 12 o'clock noon.

Rev. David R. Shaheen, assistant pastor, director of youth ministry, St. Luke Lutheran Church, Silver Spring, Md., offered the following prayer:

O God and Father of all mankind, we bow before You to ask Your blessing on us this day.

We pray especially for all those in positions of authority.

We ask for certain things: We ask that our leaders receive the honor and respect due them; we ask that they be endowed with wisdom and understanding for their duties; we ask that they serve with a spirit of sacrifice for all the people.

Grant that their actions may help bring us together as a people.

Grant that hatreds, suspicions, and distrusts will soon disappear from our hearts.

May we all accept Your commandments, obey Your voice, trust Your love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 4, 1970:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway.

On March 5, 1970:

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

On March 10, 1970:

H.R. 2. An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade.

FLOW AND PRODUCTION OF DANGEROUS EXPLOSIVES MUST BE CONTROLLED

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today America is confronted with a problem of grave concern which calls for immediate action.

Last month a bomb devastated a courthouse and police station in my district. After that it was a police station bombing in Danbury, Conn. This week a bomb devastated an automobile and its passengers in Bel Air, and a courthouse in Cambridge, Md. Today we learn of skyscraper bombings in New York City.

In the meanwhile, dangerous explosives can be purchased almost anywhere by anyone. No questions are asked.

There is a critical need for action at all levels of government before bomb violence becomes more widespread and uncontrollable.

No place and no citizen is immune or safe from this form of violence.

I urge this Congress to act with dispatch to curb the sale and distribution of dangerous explosives, and close this dangerous loophole in the law.

THE 51ST ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, Sunday, March 15, marks the 51st anniversary of the founding of the American Legion. For more than half a century, the dedicated members of the American Legion have labored "For God and Country." Their motto has stood as a monument to their work, for these patriotic men and women have done their utmost to perpetuate Americanism, to impress a sense of individual obligation upon all our citizens, and to safeguard our freedom and our democracy.

The American Legion is the largest organization of war veterans in our country and was born at a caucus of the first American Expeditionary Force in Paris, France, on March 15, 1919. Theodore Roosevelt, Jr., the son of our 26th President, assisted in planning the Paris caucus, and there were many other dedicated men like Teddy Roosevelt at that first meeting who helped to chart the course of the American Legion. Today, thanks to their initial efforts, the American Legion has more than 3 million members and approximately 16,500 posts across the Nation.

The Legion has helped the returning serviceman to adjust to civilian life, to maintain his dignity and self-respect, and has assured the welfare of the veteran's widow and children. The GI bill for World War II veterans came into being largely as a result of the efforts of the American Legion, and it insures the right of the veteran to many rehabilitation and compensation programs.

The Congress passed this Legion-sponsored program in order that the men and women who served in that terrible conflict would not return to a society as unprepared to receive them as America had been when our victorious doughboys returned home after World War I.

The granting of GI bill benefits to Korean war veterans and now to the veterans of Vietnam have been logical extensions of the Legion's magnificent work in behalf of the original GI bill.

An adequate system of national security has been the watchword of the Legion. The Legion has encouraged an understanding of communism by our people. It has helped to foster an enlightened public opinion, the true enemy of communism, and the best defense against it.

While it has always been deeply involved in matters affecting the defense and security of our country, the Legion has never forgotten that the future of this country it loves so well depends upon its younger citizens. The Legion's child welfare program has demonstrated its intense concern for America's children. Almost $200 million has been spent since 1925 to protect the welfare of our veterans' children, and, in fact, the American Legion is recognized as having one of the leading nonprofessional, private child care programs in the country. Additionally, the Legion has helped to obtain the passage of enlightened child welfare legislation by the States and the Federal Government.

The Legion sponsors over 4,000 Boy Scout units. It also sponsors various sports events in order to help our youngsters learn the real meaning of good sportsmanship and team play.

Other programs for youth include Boys' State and Nation, Girls' State and Nation, the National High School Ora-